

ZONING ORDINANCE

City of Burkburnett, Texas

(Ordinance #589)

I. ENACTING PROVISIONS

SECTION 1 ENACTING CLAUSE

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS, ESTABLISHING AND PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY THE BURKBURNETT BOARD OF COMMISSIONERS; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS COURTS AND OPEN SPACES, AND THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PROVISIONS; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF EACH LOT THAT MAY BE OCCUPIED BY STRUCTURES; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING SCREENING REGULATIONS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A PLANNING AND ZONING COMMISSION AND A ZONING BOARD OF ADJUSTMENTS, AND DEFINING THE POWERS AND DUTIES OF EACH BODY; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT THE FOLLOWING ORDINANCE (TOGETHER WITH ALL APPENDICES REFERRED TO HEREIN) IS HEREBY ADOPTED AS THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS, AND THE ZONING DISTRICT MAP REFERRED TO IN ARTICLE I, SECTION 3 BELOW IS HEREBY ADOPTED AS THE OFFICIAL ZONING DISTRICT MAP FOR THE CITY OF BURKBURNETT, TEXAS.

THIS ORDINANCE SHALL BE EFFECTIVE ON THE DATE IT IS FINALLY ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS.

SECTION 2 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the City of Burkburnett's "Comprehensive Zoning Ordinance" or "Zoning Ordinance", and is also sometimes referred to herein as "this Ordinance".

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 3 ZONING DISTRICT MAP

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the "Zoning Map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

- 3.1 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as "Zoning Map of the City of Burkburnett, Texas -- Ordinance #589". This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance #589 of the City of Burkburnett, Texas, adopted on the 17th day of April, 2000". This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- 3.2 A copy of the original Zoning District Map shall be placed in the office of the City Manager, or his/her designee. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

Any changes/amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the Board of Commissioners, together with a descriptive entry on the map as follows: "On the following date(s), by official action of the Board of Commissioners of Burkburnett, Texas, the following change(s) was made on the City's official Zoning District Map: (enter the amending ordinance number, the adoption date, and a brief description of the nature of the map revision)". The descriptive entry shall be signed by the Mayor and attested by the City Secretary.

SECTION 4 ZONING DISTRICT BOUNDARIES

- 4.1 The zoning 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 Zoning District Map, the following rules shall apply:
- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - D. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
 - E. Boundaries indicated as following the centerline of creeks, streams or drainageways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
 - F. Boundaries indicated as parallel to or extensions of features indicated with Subsections A through E above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
 - G. Whenever any street, alley or other public way is vacated by official action of the Board of Commissioners or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
 - H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
 - I. Where physical features on the ground are at variance with information shown on the Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, or if the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "AG" (Agriculture district) in the same manner as provided for newly annexed territory.

SECTION 5 COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS

- 5.1 All land, buildings, structures or appurtenances thereon located within the City of Burkburnett, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per Section 35 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
- 5.2 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), The Texas Natural Resource Conservation Commission (TNRCC), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.
- 5.3 No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.
- 5.4 No building shall hereafter be erected or altered:
- A. To have more narrow or smaller front, side or rear yards than those required by this Ordinance;
 - B. To exceed the maximum height allowed by this Ordinance;
 - C. To occupy a greater percentage of lot area than allowed by this Ordinance; or
 - D. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.

SECTION 6 ZONING UPON ANNEXATION

- 6.1 As soon as practical following annexation, the Board of Commissioners shall, on its own motion, initiate proceedings to establish Agricultural (“AG”) zoning on the newly annexed territory, thereupon the City Manager, or his/her designee, shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval/adoption has occurred and as a separate and distinct action by the Board of Commissioners.
- 6.2 The Board of Commissioners may, upon its own motion, elect to zone newly annexed territory with a more permanent zoning classification (e.g., SF-10, SF-6, MF, C/B, etc.) than the Agricultural (“AG”) zoning designation upon a determination that such permanent zoning

is in conformance with the City's adopted Comprehensive Plan, is the most appropriate zoning classification for the subject property, is in the best interest of the City of Burkburnett, and is not detrimental to adjacent property or to the public health, safety and welfare.

- 6.3 The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.
- 6.4 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- 6.5 Within an area classified as "AG" (Agriculture):
 - A. No permit for the construction of a building or use of land shall be issued by the Building Official, or his/her designee, other than a permit which will allow the construction of a building or use permitted in the "AG" district, unless and until such territory has been classified in a zoning district other than the "AG" district by the Board of Commissioners in the manner prescribed by Section 10, except as provided in Subsection B below.
 - B. If plans and/or preparations for developing a property for a use other than those specified in the "AG" district were already in progress prior to annexation of the property into the City of Burkburnett, then the Board of Commissioners may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:
 1. An application for a building permit for the proposed building/use must be made to the Building Official of the City of Burkburnett (or his/her designee) within three (3) months after annexation of the property into the City; and
 2. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the Board of Commissioners shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the Board of Commissioners, the City Manager (or his/her designee) shall notify the Building Official (or his/her designee) of such approval.

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II. ADMINISTRATION

SECTION 7 NONCONFORMING USES AND STRUCTURES

7.1 INTENT OF PROVISIONS:

- A. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.
- B. It is further the intent of this Ordinance that nonconforming uses and/or structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding or substituting other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

7.2 NONCONFORMING STATUS:

Any use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use, platted lot, or structure when:

- A. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of this Ordinance, and has since been in regular and continuous use; or
- B. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of any amendment to this Ordinance, but by such amendment is placed in a district wherein such use, platted lot, or structure is no longer permitted, and has since been in regular and continuous use; or
- C. Such use, platted lot, or structure was in existence and lawfully operating at the time of annexation into the City and has since been in regular and continuous use.

7.3 CONTINUING LAWFUL USE OF PROPERTY AND EXISTENCE OF STRUCTURES:

- A. The lawful use of land or lawful existence of structures as of the effective date of this Ordinance, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or structure is discontinued or abandoned, as these terms are defined in Subsection B below, any future use of said premises shall be in conformity with the provisions of this Ordinance.

- B. "Discontinuance" of a nonconforming use shall be defined as the actual act or date that the use is discontinued (i.e., ceases to operate on the subject property). "Abandonment" of a nonconforming use or structure shall be defined as the actual act or date of abandonment as described in Subsection C.
- C. When a nonconforming use or structure which does not meet the development standards in this Ordinance ceases to be used in such manner as stated in Subsection B above for a time period of six (6) months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment, except as allowed in Subsection 7.5(E). Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.
- D. No nonconforming use or structure may be expanded, re-occupied with another nonconforming use, or increased following the effective date of this Ordinance except as provided in Section 7.5.
- E. Conforming single-family residential uses on platted lots which were approved prior to the effective date of this Ordinance, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Ordinance as long as the use of the lot is allowed in the respective district. Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Ordinance shall be met or the lot shall be considered nonconforming.
- F. Any existing vacant lot platted prior to the effective date of this Ordinance, which was legally conforming, shall be deemed a conforming lot.
- G. Maintenance and upkeep of the nonconforming use/structure is permitted (i.e., painting, etc.).

7.4 **CHANGING NONCONFORMING LAND USES AND STRUCTURES:**

- A. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.
- B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in Section 7.5 below.
- C. A nonconforming use may not be changed to another nonconforming use or structure.

7.5 **EXPANSION OF NONCONFORMING USES AND STRUCTURES:**

An expansion of a nonconforming use or structure is allowed in accordance with the following:

- A. A nonconforming use located within a building may be extended throughout the existing building, provided that;
 - 1. No structural alteration (except as provided in Subsection E below) may be made on or in the building except those required by law to preserve such building in a

safe and structurally sound condition.

2. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
- B. No nonconforming use within a building may be extended to occupy any land outside the building.
 - C. No nonconforming use of land or building shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.
 - D. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required which was an official "lot of record" prior to the effective date of this Ordinance, may be used for a single-family dwelling.
 - E. Buildings or structures which do not conform to the area regulations or development standards in this Ordinance, but where the uses are deemed conforming, shall not increase the gross floor area by more than ten percent (10%).
 - F. Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use if Subsection E above is followed.
 - G. A nonconforming use may be required to provide screening such that its operations (or some portion of its operations/facility) are not visible from the street or surrounding property, may be required to eliminate any nuisance factor caused by the nonconforming use, or the nonconforming use may be eliminated itself if it is deemed detrimental or hazardous to the health, safety or welfare of nearby residents or other citizens. The Planning and Zoning Commission may, following notice and public hearing, review any of the above situations and may make an appropriate recommendation (i.e., to provide screening, to eliminate a nuisance factor, or to eliminate the nonconforming use itself) to the Board of Commissioners. The Board of Commissioners may, after appropriate notice and public hearing, make a final ruling on any of the above situations. Any unfavorable recommendation by the Planning and Zoning Commission may be appealed to the Board of Commissioners, whereupon a three-quarters (¾) vote of the Board of Commissioners will be required to reverse (i.e., overrule) the Planning and Zoning Commission's recommendation.

7.6 RESTORATION OF NONCONFORMING STRUCTURE:

- A. If a structure occupied by a nonconforming use is destroyed by fire, the elements, or some other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming structure which does not exceed fifty percent (50%) of its total appraised value as determined by the Wichita County Central Appraisal District, reconstruction will be permitted, but the previously existing square footage of the structure and/or the function of the nonconforming use cannot be expanded.
- B. Notwithstanding the provisions of subsection 7.6(A) above, any property owner in a Single-Family-6 (SF-6) zoning district who owns a mobile home or manufactured home which was legally in existence on the date of adoption of this Ordinance, may replace

such structure with a HUD-Code manufactured home that is five (5) years old or newer (i.e., manufacture date is less than or equal to five years prior to the date the structure is placed on the property to replace the destroyed structure).

7.7 RELOCATION OF NONCONFORMING STRUCTURE:

- A. A nonconforming structure can be relocated (i.e., moved) to another site on the same lot/tract upon which it was previously located, subject to submission of a structure relocation plan to the Building Official (or his/her designee) for review and approval, and subject to compliance with setback regulations for the zoning district in which the structure is located. If said setback regulations of the zoning district cannot be reasonably adhered to, then the Building Official (or his/her designee) may waive this requirement upon a finding that such waiver would be in the public interest and would not be detrimental or hazardous to the health, safety, welfare or convenience of nearby property owners or other citizens.
- B. Should a nonconforming structure be relocated (i.e., moved) from its original site to a different lot/tract, it shall thereafter conform to the regulations (e.g., setbacks, height, square footage, construction materials, etc.) for the zoning district into which it is moved.

7.8 COMPLETION OF STRUCTURES:

- A. Nothing herein contained shall require any change in the plans, construction or designated use of the following:
 - 1. A building or structure for which a building permit has been issued or a site plan approved prior to the effective date of this Ordinance; or
 - 2. A building or structure for which a substantially complete application for a building permit was accepted by the Building Official (or his/her designee) on or before the effective date of this Ordinance provided, however, that such building permit shall comply with all applicable ordinances of the City of Burkburnett in effect on the date such application was filed and the building permit is issued within thirty (30) days of the effective date of this Ordinance.

SECTION 8 PLANNING AND ZONING COMMISSION

8.1 GENERAL:

The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria which establishes membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 10 of this Ordinance.

8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

- A. There is created, in accordance with Chapter 211 of the Texas Local Government Code, and established by Ordinance #589 of the City of Burkburnett, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of five (5) members who are resident citizens, taxpayers and qualified voters of the City of Burkburnett.
- B. Members shall be nominated for appointment by the Mayor of the City of Burkburnett, and each person so nominated must be approved by a simple majority vote of the Board of Commissioners before becoming a member of the Commission.
- C. All appointments to the Commission shall be for terms of three (3) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, within any three-year period, the terms of two members shall expire during two of those years, and the term of one full member shall expire during the third year). Terms of office of Commission members shall expire on the first (1st) day of May of any given year.
- D. Any vacancy(s) on the Commission shall be filled for the unexpired term(s) via appointment by a simple majority vote of the Board of Commissioners for the remainder of the term(s).
- E. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full Board of Commissioners either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
- F. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Commission.
- G. The Commission shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission. The City Manager's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Planning and Zoning Commission as well as the full record of all recommendations made by the Commission to the Board of Commissioners.

- H. The Commission shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the Board of Commissioners, and the rules, regulations and bylaws shall be subject to approval by the Board of Commissioners. Such rules and bylaws shall include, among other items, provisions for:
1. Regular and special meetings, open to the public;
 2. A record of its proceedings, to be open for inspection by the public;
 3. Reporting to the governing body and the public, from time to time and annually; and
 4. The holding of public hearings on its recommendations.

8.3 **PARLIAMENTARY PROCEDURE; QUORUM; VOTING:**

- A. The Commission will follow the parliamentary procedure adopted by the Board of Commissioners for all boards and commissions, and procedures shall not be in conflict with the laws applicable to the Commission on the following:
1. **Quorum** - A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
 2. **Voting** - All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.
 3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists.

8.4 **MEETINGS; PUBLIC RECORD:**

- A. The Planning and Zoning Commission shall meet in the Council Chamber in City Hall or in some other specified location as may be designated by the presiding Chairperson, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
- B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

8.5 **ESTABLISHING EXTRATERRITORIAL JURISDICTION:**

- A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the City's corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions and extraterritorial powers.

8.6 POWERS AND DUTIES:

- A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning as found in Chapter 211 of the Texas Local Government Code, as amended.
- B. In general, the Planning and Zoning Commission shall be an advisory body and adjunct to the Board of Commissioners, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the Board of Commissioners as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall also serve in an advisory capacity on any planning related item(s) in the City.

8.7 PROCEDURE ON ZONING HEARINGS:

- A. The procedure and process for zoning changes/amendments shall be in accordance with Section 10 of this Ordinance.

8.8 JOINT MEETINGS WITH BOARD OF COMMISSIONERS:

- A. Whenever the Board of Commissioners and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning and/or subdividing property, and at other times when it is in the best interest of the City to do so, the Board of Commissioners and the Planning and Zoning Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings, provided that the Board of Commissioners shall not take action on any matter heard until it has received the recommendation of the Planning and Zoning Commission.

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SECTION 9 ZONING BOARD OF ADJUSTMENTS (ZBA)

9.1 CREATION:

- A. There is hereby created a Zoning Board of Adjustments (ZBA), also hereafter referred to as the "Board of Adjustments", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board of Adjustments shall be composed of members who are resident citizens, taxpayers and qualified voters of the City of Burkburnett.

9.2 MEMBERS; TERMS OF OFFICE:

- A. The Zoning Board of Adjustments shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by a simple majority vote of the Board of Commissioners, in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.
- B. The alternate members shall act and serve as members of the Board of Adjustments when a regular member(s) is absent or is otherwise unable to serve. Choice of the alternate member to serve at a particular meeting of the Board of Adjustments shall be on an alternating basis such that both alternates have equal opportunities to serve.
- C. Regular Board of Adjustments members and alternate members shall serve for terms of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, in any two-year period, the terms of two regular members and one alternate member shall expire during one of those years, and the terms of three regular members and one alternate member shall expire during the second year).
- D. Any vacancy(s) on the Board of Adjustments (both regular members and alternate members) shall be filled for the unexpired term(s) via appointment by a simple majority vote of the Board of Commissioners for the remainder of the term(s).
- E. Members of the Board of Adjustments may be removed from office for cause, and after a public hearing, by a simple majority vote of the full Board of Commissioners. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
- F. The members of the Board of Adjustments (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board of Adjustments, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board of Adjustments.

- G. The Zoning Board of Adjustments shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Board of Adjustments. The City Manager's designee shall serve as Secretary to the Board of Adjustments, and shall keep minutes of all meetings held by the Board of Adjustments.
- H. The Board of Adjustments shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the Board of Commissioners, and the rules, regulations and bylaws shall be subject to approval by the Board of Commissioners.

9.3 MEETINGS:

- A. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairperson and at such other times as the Board of Adjustments may determine. All meetings of the Board of Adjustments shall be open to the public. Four (4) members of the Board of Adjustments shall constitute a quorum for the conduct of business. All cases to be heard by the Board of Adjustments shall always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

9.4 AUTHORITY OF BOARD OF ADJUSTMENTS:

The Zoning Board of Adjustments shall have the authority, subject to the standards established in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:

- A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; and
- B. Authorize, in specific cases, a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done.
- C. In exercising its authority under Subsection A above, the Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board of Adjustments has the same authority as the administrative official.
- D. The concurring vote of at least seventy-five percent (75%), or four (4) members, of the full Board of Adjustments is necessary to:
 - 1. Reverse an order, requirement, decision or determination of an administrative official;

2. Decide in favor of an applicant on a matter on which the Board of Adjustments is required to review under this Zoning Ordinance; or
3. Authorize a variance from the terms of this Zoning Ordinance.

9.5 **LIMITATIONS ON AUTHORITY OF BOARD OF ADJUSTMENTS:**

- A. The Board of Adjustments may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.7.
- B. The Board of Adjustments shall have no power to grant or modify Specific Use Provisions authorized under Sections 26 and 27 of these regulations.
- C. The Board of Adjustments shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the Board of Commissioners, the Board of Adjustments shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- D. The Board of Adjustments shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the Board of Commissioners. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

9.6 **VARIANCES:**

- A. The Zoning Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board of Adjustments shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings hereinbelow required, the Board of Adjustments shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.9 of this Ordinance and unless the Zoning Board of Adjustments finds:
 1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 3. That the granting of the variance will not be detrimental to the public health, safety

- or welfare, or injurious to other property within the area; and
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

Such findings of the Zoning Board of Adjustments, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Adjustments meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

- C. **Findings of Undue Hardship** - In order to grant a variance, the Board of Adjustments must make written findings that an undue hardship exists, using the following criteria:
 1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
 2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
 3. That the relief sought will not injure the permitted use of adjacent conforming property; and
 4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.
- E. The applicant bears the burden of proof in establishing the facts that may justify a variance.

9.7 **APPEALS TO THE ZONING BOARD OF ADJUSTMENTS:**

- A. **Authority** - In addition to the authorization of variances from the terms of this Ordinance, the Zoning Board of Adjustments shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Zoning Board of Adjustments may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Zoning Board of Adjustments has the same authority as the administrative official. The Zoning Board of Adjustments may also hear and decide other matters authorized by the Subdivision Ordinance and other ordinances regarding land use/development regulations.

- B. **Who May Appeal** - Any of the following persons may appeal to the Zoning Board of Adjustments a decision made by an administrative official:
1. A person directly aggrieved by the decision; or
 2. Any officer, department, board or office of the municipality affected by the decision.
- C. **Procedure for Appeal** - The appellant must file with the Zoning Board of Adjustments and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustments all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Zoning Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Zoning Board of Adjustments or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustments shall decide the appeal within four (4) weeks after the written request (i.e., notice of appeal) was received. The Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

9.8 PROCEDURES:

- A. **Application and Fee** - An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the Board of Adjustments, and shall be accompanied by an application fee (as set forth in Appendix A-3), a site plan and/or additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.
- B. **Review and Report by the City** - The City Manager, or his/her designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his/her findings to the Zoning Board of Adjustments.
- C. **Notice and Public Hearing** - The Zoning Board of Adjustments shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.

- D. **Action by the Zoning Board of Adjustments** - The Zoning Board of Adjustments shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions in Section 9.6 has been established. The Zoning Board of Adjustments may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

9.9 **FINALITY OF DECISIONS; JUDICIAL REVIEW:**

- A. All decisions of the Zoning Board of Adjustments are final and binding. However, any person aggrieved by a decision of the Zoning Board of Adjustments may present a verified petition to a court of record which states that the decision of the Board of Adjustments is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the City Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Zoning Board of Adjustments.

SECTION 10 CHANGES AND AMENDMENTS TO ZONING ORDINANCES AND DISTRICTS, AND ADMINISTRATIVE PROCEDURES

10.1 DECLARATION OF POLICY AND REVIEW CRITERIA:

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map;
- B. To recognize changed or changing conditions or circumstances in a particular locality;
- C. To recognize changes in technology, the style of living, or manner of conducting business; or
- D. To change the property to uses in accordance with the approved Comprehensive Plan.

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the Board of Commissioners shall consider the following factors:

- E. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole;
- F. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;
- G. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- H. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- I. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; and
- J. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

- B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries (i.e., which do not involve specific real property) do not require written notification to individual property owners.
- C. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and/or development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change and/or development application.

10.5 **FAILURE TO APPEAR:**

Failure of the applicant or his/her representative to appear before the Planning and Zoning Commission or the Board of Commissioners for more than one hearing without an approved delay by the City Manager, or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the Board of Commissioners to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

10.6 **PLANNING AND ZONING COMMISSION CONSIDERATION AND RECOMMENDATION:**

- A. The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance.
- B. The Commission shall hold a public hearing on a zoning/rezoning request (including a proposed text amendment to the Zoning Ordinance). After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed zoning request stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The Planning and Zoning Commission may, on its own motion or at the applicant's request, defer its decision/ recommendations (i.e., table the request) for not more than ninety (90) days from the time the public hearing was first opened, or until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling (i.e., cite the meeting date whereon the request will reappear on the Commission's agenda).
- C. When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions (i.e., as in the case of a Planned Development district or a Specific Use Provision), or disapproval of the request. If the Commission's recommendation is to approve the request (either as submitted or with additional conditions), then the request will be automatically forwarded to the Board of Commissioners for a second public hearing thereon (see Section 10.8).

- D. If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

10.7 (Reserved)

10.8 **CONSIDERATION BY BOARD OF COMMISSIONERS:**

- A. **Applications Forwarded from the Planning and Zoning Commission to the Board of Commissioners** - Every application or proposal which is heard by the Planning and Zoning Commission shall be automatically forwarded to the Board of Commissioners for setting and holding of public hearing thereon. An application which is recommended by the Planning and Zoning Commission for approval shall be forwarded to the Board of Commissioners along with the Commission's favorable recommendation. An application which is recommended by the Planning and Zoning Commission for denial shall be forwarded to the Board of Commissioners along with the Commission's reasons for denial, and ultimate approval of the request by the Board of Commissioners will require a three-fourths (3/4) majority vote from the Board of Commissioners. No zoning change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- B. **Board of Commissioners Action on Zoning/Rezoning or Text Amendment Requests** - After a public hearing is held before the Board of Commissioners regarding the zoning application, the Board of Commissioners may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or it may refer the application back to the Planning and Zoning Commission for further study.
 - 1. If the Board of Commissioners approves the request, then Subsection 10.8.E would apply.
 - 2. If the Board of Commissioners denies the request, then no other zoning application may be filed for all or part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one (1) year following the denial.
 - a. The Board of Commissioners may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
- C. **Board of Commissioners Hearing and Notice for Zoning Changes** - Notice of the Board of Commissioners public hearing for zoning/rezoning and for Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.

- D. **Three-Fourths Vote** - A favorable vote of three fourths (3/4) of all members of the Board of Commissioners shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "twenty percent [20%] rule"). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the subject property and/or of property within two hundred feet (200') of the subject tract, such amendments shall not become effective except by a three-fourths (3/4) vote of the Board of Commissioners.
- E. **Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the Board of Commissioners, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property, a survey (i.e., drawing) exhibit, and other appropriate exhibits that are determined necessary by the City Manager, or his/her designee, must be submitted with the zoning change request application. The zoning request shall be deemed approved at the time the Board of Commissioners makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted (i.e., effective) until a correct description and all required exhibits have been submitted to the City Manager, or his/her designee.

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SECTION 11 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

11.1 Certificates of Occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered
- B. Change in use of an existing building to a use of a different classification
- C. Occupancy and use of vacant land, except for agricultural uses
- D. Change in the use of land to a use of a different classification
- E. Any change in the use of a nonconforming use

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official, or his/her designee. The application fee(s) for a Certificate of Occupancy shall be as established by the City.

11.2 **Procedure for New or Altered Buildings** - Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued after the Building Official, or his/her designee, orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the Building Official, or his/her designee. Said Certificate shall be issued by the Building Official, or his/her designee, after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

11.3 **Procedure for Vacant Land or a Change in Building Use** - Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to said Building Official, or his/her designee. If the proposed use is a conforming use, as herein provided, written application shall be made to said Building Official, or his/her designee. If the proposed use is found to be in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official, or his/her designee.

11.4 **Contents** - Every Certificate of Occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) a description of that portion of the building for which the Certificate is issued; 5) a statement that the described portion of the building has been inspected for compliance with the requirements of the City's Building Codes for the particular group and division of occupancy; 6) the name of the Building Official (or his/her designee); 7) use(s) allowed; 8) maximum number of persons/occupants; and 9) issue date of Certificate of Occupancy.

- 11.5 **Posting** - The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official, or his/her designee.
- 11.6 **Revocation** - The Building Official (or his/her designee) may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

III. ZONING DISTRICTS

SECTION 12 ZONING DISTRICTS ESTABLISHED

12.1 The City of Burkburnett, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
Base Districts	
AG	Agriculture
SF-15	Single-Family Residential-15 (minimum 15,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000 square-foot lots)
R-1	Residential-1 (patio/town homes, duplex, triplex, quadriplex)
R-2	Residential (Open)-2 (single-family, manufactured/industrialized homes)
MF	Multi-Family Residential (apartments)
C/B	Commercial/Business
I	Industrial

Overlay Districts

PD	Planned Development
MHO	Manufactured (Mobile) Home Overlay District
SUP	Specific Use Provision

12.2 A summary of the area regulations for the following zoning districts is included within the Appendix (A-2).

12.3 Certain terms and definitions used within this Ordinance can be found in the Appendix (A-1).

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SECTION 13 AG -- AGRICULTURE DISTRICT

13.1 GENERAL PURPOSE AND DESCRIPTION:

The AG, Agriculture, district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agriculture until it is assigned another more permanent zoning district. It is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

13.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
2. Single-family detached dwelling.
 3. Farms, barns, nurseries, greenhouses or gardens on parcels one (1) acre or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation (Appendix A-1, Definitions) and except as may be allowed with a SUP.
 4. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the Burkburnett Independent School District.
 5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 29 for additional accessory use requirements.
 - c. A detached private garage used in conjunction with the main building.
 - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 32.5.
 - e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be allowed only by SUP, and are required to be on a lot one (1) acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or

is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the AG district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.

- f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 6. Swimming Pool (private).
- 7. Utilities (public).
- 8. Such uses as may be allowed by Specific Use Provisions, Section 26.

13.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Thirty-five feet (35') for the main building/house.
- 2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any residential structure on adjacent property.
- 3. Twenty-five feet (25') for other accessory buildings, including detached garage/accessory dwelling units.
- 4. Other (see Section 32).

13.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** - One (1) acre (i.e., 43,560 square feet)
- 2. **Minimum Lot Width** - One hundred fifty feet (150')
- 3. **Minimum Lot Depth** - Two hundred feet (200')

B. Size of Yards:

- 1. **Minimum Front Yard** - Thirty feet (30')
- 2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed thirty feet (30'); thirty feet (30') from a street right-of-way for a corner lot (i.e., same as front yard)
- 3. **Minimum Rear Yard** - Ten feet (10') for the main building and any accessory building(s) where there is no alley or where an alley exists but garage does not face the alley, or twenty feet (20') where garage faces onto an alley; ten feet (10') from a main building to an accessory building

- C. **Maximum Lot Coverage:** Twenty percent (20%) by main buildings; thirty percent (30%) including accessory buildings, driveways and parking areas

D. **Parking Regulations**

1. **Single-Family Dwelling Unit** - A minimum of two (2) covered parking spaces behind the front building line on the same lot as the main structure
2. **Other** - See Section 28, Off-Street Parking and Loading Regulations

E. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet

13.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. **Other Regulations** - As established by Sections 28 through 32.

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SECTION 14 SF-15 -- SINGLE-FAMILY RESIDENTIAL-15 DISTRICT

14.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-15, Single-Family Residential-15, district is intended to provide for development of primarily detached, single-family residences on lots of not less than fifteen thousand (15,000) square feet.

14.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
2. Single-family detached dwellings.
 3. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the Burkburnett Independent School District.
 4. Real estate sales offices during the development of residential subdivisions in which the office is located until ninety-five percent (95%) of the building permits of the platted lots in the subdivision are issued. Site plan review and approval by the City Manager, or his/her designee, is required for both permanent (e.g., model home used as a sales office) and non-permanent (e.g., trailer or movable building unit) structures to be used as real estate sales offices (issuance of a temporary structure permit by the City is also required for non-permanent structures). The City may, at its option, establish additional rules and procedures for permanent and/or non-permanent structures to be used as real estate sales offices in residential zoning districts. Adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a proposed zoning change and/or development application.
 5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Manager, or his/her designee. The specific time period allowed shall be specified by the City Manager, or his/her designee, upon issuance of a temporary structure permit, and site plan review and approval by the City Manager, or his/her designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the City Manager, or his/her designee.
 6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 29 for additional accessory use requirements.

- c. A detached private garage used in conjunction with the main building.
 - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 32.5.
 - e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be allowed only by SUP, and are required to be on a lot one (1) acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the SF-15 district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.
 - f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 7. Swimming Pool (private).
 - 8. Utilities (public).
 - 9. Such uses as may be allowed by Specific Use Provisions, Section 26.

14.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Thirty-five feet (35') for the main building/house.
- 2. One (1) story for accessory buildings.
- 3. Other (see Section 32).

14.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** - Fifteen thousand (15,000) square feet
- 2. **Minimum Lot Width** - One hundred feet (100')
- 3. **Minimum Lot Depth** - One hundred twenty-five feet (125')

B. Size of Yards:

- 1. **Minimum Front Yard** - Thirty feet (30')
- 2. **Minimum Side Yard** - Ten feet (10') for the main building and five feet (5') for accessory building(s); fifteen feet (15') on corner lots adjacent to a street

3. **Minimum Rear Yard** - Ten feet (10') for the main building and five feet (5') for accessory building(s) where there is no alley or where an alley exists but garage does not face the alley, or twenty feet (20') where garage faces onto an alley; ten feet (10') from a main building to an accessory building.
- C. **Maximum Lot Coverage:** Thirty-five percent (35%) including main buildings and accessory buildings
- D. **Parking Regulations:**
 1. **Single-Family Dwelling Unit** - A minimum of two (2) covered parking spaces behind the front building line and on the same lot as the main structure
 2. **Other** - (See Section 28, Off-Street Parking and Loading Requirements)
- E. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

14.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. **Other Regulations** - As established in the Development Standards, Sections 28 through 32 .

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SECTION 15 SF-10 -- SINGLE-FAMILY RESIDENTIAL-10 DISTRICT

15.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-10, Single-Family Residential-10, district is intended to provide for development of primarily detached, single-family residences on lots of not less than ten thousand (10,000) square feet.

15.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
- 2. Single-family detached dwellings.
- 3. All uses allowed in the SF-15 zoning district.
- 4. Such uses as may be allowed by Specific Use Provisions, Section 26.

15.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Thirty-five feet (35') for the main building/house.
 - 2. One (1) story for accessory buildings.
 - 3. Other (see Section 32).

15.4 AREA REGULATIONS:

- A. **Size of Lots:**
 - 1. **Minimum Lot Area** - Ten thousand (10,000) square feet
 - 2. **Minimum Lot Width** - Seventy feet (70')
 - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Thirty feet (30')
 - 2. **Minimum Side Yard** - Ten feet (10') for the main building and five feet (5') for accessory building(s); fifteen feet (15') on corner lots adjacent to a street
 - 3. **Minimum Rear Yard** - Ten feet (10') for the main building and five feet (5') for accessory building(s) where there is no alley or where an alley exists but garage does not face the alley, or twenty feet (20') where garage faces onto an alley; ten feet (10') from a main building to an accessory building.
- C. **Maximum Lot Coverage:** Thirty-five percent (35%) including main buildings and accessory buildings

D. **Parking Regulations:**

1. **Single-Family Dwelling Unit** - A minimum of two (2) covered parking spaces behind the front building line and on the same lot as the main structure
2. **Other** - (See Section 28, Off-Street Parking and Loading Requirements)

E. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

15.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. **Other Regulations** - As established in the Development Standards, Sections 28 through 32 .

SECTION 16 SF-6 -- SINGLE-FAMILY RESIDENTIAL-6 DISTRICT

16.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-6, Single-Family Residential-6, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than six thousand (6,000) square feet.

16.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
- 2. Single-family detached dwellings.
- 3. All uses allowed in the SF-10 zoning district.
- 4. Such uses as may be allowed by Specific Use Provisions, Section 26.

16.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Thirty-five feet (35') for the main building/house.
 - 2. One (1) story for accessory buildings.
 - 3. Other (see Section 32).

16.4 AREA REGULATIONS:

- A. **Size of Lots:**
 - 1. **Minimum Lot Area** - Six thousand (6,000) square feet
 - 2. **Minimum Lot Width** - Sixty feet (60')
 - 3. **Minimum Lot Depth** - One hundred feet (100')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard** - Five feet (5') for the main building and any accessory building(s); fifteen feet (15') on corner lots adjacent to a street
 - 3. **Minimum Rear Yard** - Ten feet (10') for the main building and five feet (5') for accessory building(s) where there is no alley or where an alley exists but garage does not face the alley, or twenty feet (20') where garage faces onto an alley; ten feet (10') from a main building to an accessory building.
- C. **Maximum Lot Coverage:** Thirty-five percent (35%) including main buildings and accessory buildings
- D. **Parking Regulations:**
 - 1. **Single-Family Dwelling Unit** - A minimum of two (2) parking spaces behind the front building line and on the same lot as the main structure
 - 2. **Other** - (See Section 28, Off-Street Parking and Loading Requirements)
- E. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

16.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. **Other Regulations** - As established in the Development Standards, Sections 28 through 32 .

SECTION 17 R-1 -- RESIDENTIAL-1 DISTRICT (PATIO/TOWN HOMES, DUPLEX, TRIPLEX, QUADRIplex)

17.1 GENERAL PURPOSE AND DESCRIPTION:

The R-1, Residential-1, district is designed to provide for development of a variety of medium density housing choices including patio homes (i.e., zero-lot-line), town homes (i.e., single-family attached units), duplexes, triplexes and quadriplexes. Wherever possible, lots shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development.

17.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
- 2. All uses allowed in the SF-6 zoning district.
- 3. Single-family detached dwellings.
- 4. Single-family attached dwellings.
- 5. Two-, three- and four-family dwellings (duplex, triplex, quadriplex).
- 6. Such uses as may be allowed by Specific Use Provisions, Section 26.

17.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Thirty-five feet (35') for the main building/house.
 - 2. One (1) story for accessory buildings.
 - 3. Other (see Section 32).

17.4 AREA REGULATIONS:

- A. **All Types of Lots/Homes:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Rear Yard** - Ten feet (10') for the main building and five feet (5') for any accessory building(s) where there is no alley or where an alley exists but garage does not face the alley, or twenty feet (20') where garage faces onto an alley; ten feet (10') from a main building to an accessory building.
 - 3. **Maximum Lot Coverage:** Fifty percent (50%) including main buildings and accessory buildings
 - 4. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet
 - 5. **Minimum Parking:**
 - a. A minimum of two (2) parking spaces behind the front building line and on the same lot as the main structure
 - b. Visitor parking (required for patio/town homes, triplex and quadriplex) - One half (½) parking space per dwelling unit (off-street) which is located within six hundred feet (600') of the dwelling unit

- c. Additional parking shall be required for any recreational uses, club house, office, sales offices and/or visitors.
- d. Other - See Section 28, Off-Street Parking and Loading Requirements

B. For Single-Family Detached Homes:

- 1. **Minimum Lot Area** - Six thousand (6,000) square feet
- 2. **Minimum Lot Width** - Sixty feet (60')
- 3. **Minimum Lot Depth** - One hundred feet (100')
- 4. **Minimum Side Yard** - Five feet (5') for the main building and any accessory building(s); fifteen feet (15') on corner lots adjacent to a street

C. For Two-Family/Duplex Homes:

- 1. **Minimum Lot Area** - Nine thousand (9,000) square feet per pair of duplex lots (i.e., four thousand five hundred [4,500] square feet of lot area per dwelling unit)
- 2. **Minimum Lot Width** - Eighty feet (80') for each duplex lot (i.e., forty feet (40') of lot width per dwelling unit)
- 3. **Minimum Lot Depth** - One hundred feet (100')
- 4. **Minimum Side Yard** - Ten feet (10') for the main building and five feet (5') for any accessory building(s); fifteen feet (15') on corner lots adjacent to a street

D. For Patio (i.e., Zero-Lot-Line) Homes:

- 1. **Minimum Lot Area** - Four thousand five hundred (4,500) square feet
- 2. **Minimum Lot Width** - Forty-five feet (45')
- 3. **Minimum Lot Depth** - One hundred feet (100')
- 4. **Minimum Side Yard** - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') for the main building and five feet (5') for any accessory building(s), but fifteen feet (15') required on corner lots adjacent to a street

E. For Town (i.e., Single-Family Attached) Homes:

- 1. **Minimum Lot Area** - Four thousand (4,000) square feet
- 2. **Minimum Lot Width** - Forty feet (40')
- 3. **Minimum Lot Depth** - One hundred feet (100')
- 4. **Minimum Side Yard:**
 - a. Single-family attached dwellings need not have a side yard, except that a minimum fifteen-foot (15') side yard is required adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least ten feet (10') apart. The required side yards shall be designated upon a plat approved by the Board of Commissioners.
 - b. A complex of attached single-family dwellings shall have a minimum length of three (3) dwelling units, and shall not exceed three hundred feet (300') in length or the width of twelve (12) attached units, whichever is less.

F. For Triplex or Quadriplex Homes:

- 1. **Minimum Lot Area** - Ten thousand (10,000) square feet
- 2. **Minimum Lot Width** - Eighty feet (80')
- 3. **Minimum Lot Depth** - One hundred twenty feet (120')
- 4. **Minimum Side Yard** - Ten feet (10') for the main building and five feet (5') for any accessory building(s); fifteen feet (15') on corner lots adjacent to a street

17.5 SPECIAL REQUIREMENTS:

- A. Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and/or facilities.
- B. Usable Open Space Requirements - Except as provided below, any patio/town home subdivision shall provide useable open space which equals or exceeds ten percent (10%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Pools, tennis courts, playgrounds, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space. A useable open space area must have street frontage on at least thirty-three percent (33%) of the area's perimeter to ensure that the area is accessible to residents of the subdivision. Useable open space areas must be easily viewed from adjacent streets and homes.
- C. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- E. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- F. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- G. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- H. All utilities shall be provided separately to each lot within an R-1 district so that each unit is individually metered.
- I. **Patio home developments only** - One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'; fifteen feet for a corner lot on the street side). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24").
- J. **Other Regulations** - As established in the Development Standards, Sections 28 through 32 .

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**SECTION 18 R-2 -- RESIDENTIAL (OPEN)-2 DISTRICT
(SINGLE-FAMILY, MANUFACTURED/INDUSTRIALIZED
HOMES)**

18.1 GENERAL PURPOSE AND DESCRIPTION:

The R-2, Residential (Open)-2, district is designed to provide for development of a variety of single-family housing choices including traditional “site constructed” single-family detached homes, HUD-Code manufactured homes, and industrialized housing units. Single-family detached homes are considered to be the predominant type of housing in the R-2 district (particularly for new developments), supplemented by creative infill, buffering and/or redevelopment strategies using various other dwelling types such as HUD-Code manufactured homes and industrialized homes. Wherever possible, lots shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development.

18.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
2. Single-family detached dwellings (predominant housing type in the R-2 district).
3. Individually owned HUD-code manufactured homes.
4. Mobile, or manufactured, home parks for residential use providing lots for placement of mobile homes with utilities. Small offices and washaterias are permitted as incidental uses within the park.
5. Industrialized housing.
6. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the Burkburnett Independent School District.
7. Accessory buildings and uses that are customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business or an accessory dwelling unit, except as provided herein:
- a. The term accessory use shall include customary home occupations.
- b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 29 for additional accessory use requirements.
- c. A detached private garage used in conjunction with the main building.
- d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 32.5.
- e. Private open space or other private recreational amenities as part of a

residential subdivision and not for commercial purposes.

8. Swimming Pool (private), including recreation or community areas.
9. Utilities (public or private).
10. Such uses as may be allowed by Specific Use Provisions, Section 26.

18.3 HEIGHT REGULATIONS:

A. **Maximum Height:**

1. Thirty-five feet (35') for the main building/house.
2. One (1) story for accessory buildings.
3. Other (see Section 32).

18.4 AREA REGULATIONS:

A. **All Types of Lots/Homes:**

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Maximum Lot Coverage** - Fifty percent (50%) including main buildings and accessory buildings
3. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet
4. **Minimum Parking** - A minimum of two (2) parking spaces behind the front building line and on the same lot as the main structure
5. **Garage Entry** - If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback

B. **For Single-Family Detached Homes (“site constructed” or industrialized units):**

1. **Minimum Lot Area** - Six thousand (6,000) square feet
2. **Minimum Lot Width** - Sixty feet (60')
3. **Minimum Lot Depth** - One hundred feet (100')
4. **Minimum Side Yard** - Five feet (5') for the main building and any accessory building(s); fifteen feet (15') on corner lots adjacent to a street
5. **Minimum Rear Yard** - Ten feet (10') for the main building and five feet (5') for any accessory building(s) where there is no alley or where an alley exists but garage does not face the alley, or twenty feet (20') where garage faces onto an alley; ten feet (10') from a main building to an accessory building.

C. **For HUD-Code Manufactured/Mobile Homes:**

1. **Minimum Lot Area** - Three thousand five hundred (3,500) square feet; minimum land area for a manufactured home park/subdivision is twenty thousand (20,000) square feet, and maximum land area is twenty (20) acres
2. **Minimum Lot Width** - Forty feet (40')
3. **Minimum Lot Depth** - Eighty feet (80')
4. **Minimum Side Yard** - Ten feet (10'); twenty feet (20') between units; twenty feet (20') from zoning district boundary line

5. **Minimum Rear Yard** - Ten feet (10'); twenty feet (20') from any zoning district boundary line

18.5 **SPECIAL REQUIREMENTS FOR MANUFACTURED/MOBILE HOME PARKS:**

- A. **Tenant Parking** - Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park (see Section 28, Off-Street Parking and Loading Requirements).
- B. **Visitor and Supplemental Parking** - In addition to parking spaces required for each manufactured/mobile home unit, there shall be paved parking provided for the manufactured/mobile home community in general (see Section 28, Off-Street Parking and Loading Requirements):
 1. Two (2) visitor parking spaces for every three (3) manufactured/mobile home spaces.
 2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured/mobile home spaces.
 3. Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than one hundred fifty feet (150') from a visitor space.
 4. Each parking space will be not less than nine feet by eighteen feet (9' x 18').
- C. **Access** - Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed four hundred feet (400') in length. Fire lane easements shall be maintained by the manufactured/mobile home park.
- D. **Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.
- E. **Street Names and Signs** - Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the City Manager, or his/her designee, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the

Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and the Board of Commissioners on the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the City Manager, or his/her designee.

- F. **Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.
- G. **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.
- H. **Street Lighting** - Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.
- I. **Electric and Telephone Service** - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.
- J. **Drainage and Soil Protection** - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- K. **Fire Fighting:**
 - 1. Approaches to all manufactured/mobile homes shall be kept clear for fire fighting.
 - 2. The owner or agent of a manufactured/mobile home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within three hundred feet (300') of all manufactured/mobile home spaces, measured along the drive or street.
 - 3. The owner or agent of a manufactured/mobile home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of twelve inches (12") in height.
- L. **Refuse Handling and Collection** - The owner or agent of a manufactured/mobile home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the City. Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility measured along the designated pedestrian or vehicular travelway. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units. If trash dumpsters are used, they shall be screened as prescribed in Section 30.2(E) and as shown in Illustration 11.

- M. **Anchorage of Manufactured/Mobile Homes** - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured/mobile home shall be provided according to the Building Code and State law.
- N. **Skirting:**
 - 1. All manufactured/mobile home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
 - 2. All required skirting shall be masonry (or other material approved by the City Manager, or his/her designee), and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.
- O. **Usable Open Space Requirements** - Each manufactured home subdivision shall provide usable open space (as defined in Appendix A-1 and in Section 17.5, Subsection B.) totaling fifteen percent (15%) of the area of the development.

18.6 SPECIAL REQUIREMENTS:

- A. Single-family dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-6 district (i.e., minimum 6,000 square foot lot size, minimum 60 foot lot width, etc.).
- B. Open storage is prohibited.
- C. **Other Regulations** - As established in the Development Standards, Sections 28 through 32 .

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SECTION 19 MF -- MULTI-FAMILY RESIDENTIAL DISTRICT (APARTMENTS)

19.1 GENERAL PURPOSE AND DESCRIPTION:

The MF, Multi-Family Residential, district is an attached residential district intended to provide a residential density of twenty-one (21) dwelling units per acre. The principal permitted land uses will include low- and mid-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and should serve as a buffer between retail/commercial development (or heavy automobile traffic on a major thoroughfare) and medium/low density residential development.

19.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
- 2. Multi-family dwellings that are typically greater than four (4) units per building.
- 3. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the Burkburnett Independent School District.
- 4. Leasing offices for the apartment complex.
- 5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Manager, or his/her designee. The specific time period allowed shall be specified by the City Manager, or his/her designee, upon issuance of a temporary structure permit, and site plan review and approval by the City Manager, or his/her designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the City Manager, or his/her designee.
- 6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations.
 - b. Covered parking areas.
 - c. Antennae (amateur or CB radio) or satellite dish antennae, as specified in Section 32.5.
- 7. Swimming Pool (private).

8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
9. Such uses as may be allowed by Specific Use Provisions, Section 26.

19.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Three (3) stories or forty-five feet (45') for the main building(s).
2. One (1) story for accessory buildings.
3. Other (see Section 32).

19.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - Two thousand (2,000) square feet per dwelling unit, not to exceed twenty-one (21) dwelling units per acre (calculated on gross acreage). The minimum lot size shall be twenty thousand (20,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred fifty feet (150')

B. Size of Yards:

1. **Minimum Front Yard** - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards.
2. **Minimum Side Yard** - Fifteen feet (15'); sixty feet (60') when building is in excess of one story in height and adjacent to a Single-Family Zoning District
3. **Minimum Rear Yard** - Twenty-five feet (25'); eighty feet (80') when the building is in excess of one story and adjacent to a Single-Family Zoning District
4. **Building Separation:**
 - a. One story buildings - Ten feet (10'), for buildings with or without openings
 - b. Two story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings
 - c. Three story buildings (or a three-story building adjacent to a one- or two-story building) - Twenty feet (20'), for buildings with or without openings

C. Minimum Floor Area per Dwelling Unit:

1. Efficiency unit - Five hundred fifty (550) square feet per unit.
2. One-bedroom unit - Six hundred (600) square feet per unit.
3. Two- or more bedroom unit - Eight hundred (800) square feet for the first two bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

D. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings

E. Parking Regulations:

1. 1.75 spaces for each efficiency or 1 bedroom unit
2. 2 spaces for each 2 bedroom unit
3. 2.5 spaces for each 3 bedroom unit
4. 3 spaces for each 4 or more bedroom unit
5. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick/masonry walls.
6. See Section 28, Off-Street Parking and Loading Requirements, for additional requirements.

19.5 REFUSE FACILITIES:

- A. Every multi-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the City Manager, or his/her designee, and not less than six (6) feet in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for refuse container enclosure diagrams).

19.6 SPECIAL REQUIREMENTS:

- A. Single-family or duplex units constructed in this district shall conform to SF-6 and R-1 district standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.
- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- J. **Other Regulations:** As established in the Development Standards, Sections 28 through 32 .

19.7 USABLE OPEN SPACE:

- A. Each multi-family residential development shall provide usable open space (see Section 17.5, Subsection B.) on at least fifteen percent (15%) of the total lot area. Required open space area(s) shall be located on the same lot or parcel of land upon which the multi-family uses are located.

SECTION 20 C/B -- COMMERCIAL / BUSINESS DISTRICT

20.1 GENERAL PURPOSE AND DESCRIPTION:

The C/B, Commercial/Business, district is established to provide areas for a mixture of nonresidential land uses including office, retail, professional service, commercial and entertainment uses, as well as highway-oriented uses, such as hotels, motels and restaurants, which should generally be located along high-volume thoroughfares. The characteristics of each development site should be designed in such a manner as to create an attractive appearance from the thoroughfare (particularly along Interstate Highway 44, State Highway 240, State Highway 267 and F.M. 369). Because these areas are major thoroughfare entry points into Burkburnett, emphasis has been placed upon building arrangement, setbacks, parking and landscape treatment, which are elements that tend to influence the visual appeal of the City as viewed from the highway and which may help to attract visitors and new businesses to the community. It is the intent of the C/B zoning district to create a vibrant and attractive first impression of the community.

20.2 PERMITTED USES:

- A. 1. Those uses specified in Section 27 (Use Charts).
2. Such uses as may be allowed by Specific Use Provisions, Section 26.

20.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Eight (8) stories, but limited to a maximum height of forty-five feet (45') on any portion of the site that is within three hundred feet (300') of any residentially zoned property (i.e., AG, SF-15, SF-10, SF-6, R-1, R-2 or MF), a maximum height of thirty-five feet (35') within two hundred feet (200') of residential, and a maximum height of one (1) story within sixty feet (60') of residential.
2. One (1) story for accessory buildings.
3. Other (Section 32).

20.4 AREA REGULATIONS:

A. Size of Lot:

1. **Minimum Lot Area** - Seven thousand (7,000) square feet
2. **Minimum Lot Width** - Seventy feet (70')
3. **Minimum Lot Depth** - One hundred feet (100')

B. Size of Yards:

1. **Minimum Front Yard** - Thirty-five feet (35'); all yards adjacent to a street shall be considered a front yard.
2. **Minimum Side Yard** - Twenty-five feet (25')

3. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
 4. **Minimum Rear Yard** - Twenty-five feet (25')
 5. **Adjacent to a Residential District** - The side or rear setback, whichever is adjacent to the residential zoning district, shall observe a sixty-foot (60') setback for any building that is over one (1) story in height, a two hundred foot (200') setback for buildings over two (2) stories or thirty-five feet (35') in height, and a three hundred foot (300') setback for buildings over three (3) or forty-five feet (45') in height.
- C. **Maximum Lot Coverage:** Fifty percent (50%), including accessory buildings.
- D. **Parking Regulations:**
1. As required by Section 28, Off-Street Parking and Loading Requirements.
 2. Parking shall be permitted within the front yard (i.e., in front of the building face) provided that parking areas are screened from view of the street with a low screening device such as a planted hedge, a berm, or some other similar device. The minimum height of the parking lot screening device shall be thirty inches (30") tall (within two years of planting, if a landscaped hedge).

20.5 SPECIAL REQUIREMENTS:

- A. **Site Plan Review** - Review and approval of a site plan by the Planning and Zoning Commission and the Board of Commissioners (in accordance with Section 31) shall be required for any tract/lot within the C/B district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the Board of Commissioners.
- B. Building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager (or his/her designee) may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.
- C. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- D. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 30 (i.e., cannot be visible from any public street or adjacent property). However, periodic display of seasonal items (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods.

- E. Landscaping Requirements: At least ten percent (10%) of the total site area shall be landscaped (i.e., pervious surface area), and at least sixty percent (60%) of the total required landscaping shall be placed in front of the building (i.e., between the building face and the street).
- F. Signage requirements shall be as set forth in the City of Burkburnett's Sign Ordinance.
- G. **Other Regulations** - As established in the Development Standards, Sections 28 through 32 .

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SECTION 21 I -- INDUSTRIAL DISTRICT

21.1 GENERAL PURPOSE AND DESCRIPTION:

The I, Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

21.2 PERMITTED USES:

- A. The following uses are permitted in the Industrial district, provided that such light manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, at that location, and provided that such use does not create fire or safety hazards on surrounding property.
1. Those uses specified in Section 27 (Use Charts).
 2. Light industrial, fabrication and manufacturing plants, including the assembling of prefabricated parts for the production of finished equipment, where the process of manufacturing or treatment of materials is such that no unacceptable dust, odor, fumes, gas, smoke or noise is emitted, and not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials, or equipment (see Section 30 for additional screening requirements).
 3. Certain "low risk industrial/manufacturing" or "high risk or hazardous industrial" uses may be allowed by Specific Use Provision only. In this district, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the City Manager (or his/her designee) and/or the Fire Chief, involves a much higher than average risk to public health and safety. These uses include, but are not limited to, facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored and/or disposed of.
 4. Such uses as may be allowed by Specific Use Provisions, Section 26.

21.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. **Occupied structures/buildings** - Three (3) stories or forty-five feet (45'), but limited to a maximum height of thirty-five feet (35') on any portion of the site that is within two hundred feet (200') of any residentially zoned property (i.e., AG, SF-15, SF-10, SF-6, R-1, R-2 or MF), and a maximum height of one (1) story within sixty feet (60') of residential.
2. **Unoccupied structures** (e.g., grain silos, private water towers/utility structures,

communications antennae, etc.) - Sixty feet (60'); Where any structure over thirty-five feet (35') in height is to be constructed on a site that is adjacent (or in close proximity) to a residential zoning district (AG, SF-15, SF-10, SF-6, R-1, R-2 or MF), additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed thirty-five feet (35'). (Also see Section 32.5 for communications antennae and support structures/towers.)

3. One (1) story for accessory buildings.
4. Other (Section 32).

21.4 AREA REGULATIONS:

A. Size of Lot:

1. **Minimum Lot Area** - Ten thousand (10,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred feet (100')

B. Size of Yards:

1. **Minimum Front Yard** - Forty feet (40'); all yards adjacent to a street shall be considered a front yard.
2. **Minimum Side Yard** - Twenty-five feet (25')
3. **Minimum Rear Yard** - Twenty-five feet (25')
4. **Adjacent to a Residential District** - The side or rear setback, whichever is adjacent to a residential zoning district, shall observe a sixty-foot (60') setback for any occupied building that is over one (1) story in height, and a two hundred foot (200') setback for occupied buildings over two (2) stories or thirty-five feet (35') in height.

C. **Maximum Lot Coverage:** Sixty-five percent (65%), including accessory buildings.

D. Parking Regulations:

1. As established by Section 28, Off-Street Parking and Loading Requirements.

21.5 SPECIAL REQUIREMENTS:

A. For site plan requirements, see Section 31.

B. No permanent use of temporary buildings or dwellings.

C. **Landscaping Requirements:** At least ten percent (10%) of the total site area shall be landscaped (i.e., pervious surface area), and at least sixty percent (60%) of the total required landscaping shall be placed in front of the building (i.e., between the building face and the street).

D. **Other Regulations:** As established in the Development Standards, Sections 28 through 32 .

SECTION 22

(Reserved)

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SECTION 23 OVERLAY AND SPECIAL DISTRICTS

Overlay and special prefix districts shall be used in conjunction with base zoning districts where it is appropriate to do so. In the use of the following overlay zoning classifications, the base district shall remain in effect as it is already in existence unless changed by zoning amendment and in accordance with the provisions of Section 10. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

SECTION 24 PD -- PLANNED DEVELOPMENT OVERLAY DISTRICT

24.1 GENERAL PURPOSE AND DESCRIPTION:

- A. The Board of Commissioners of the City of Burkburnett, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

24.2 PERMITTED USES:

- A. An application for a PD district shall specify the base zoning district upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those proposed for the PD. PD designations shall not be attached to SUP requirements. Specific Use Provisions allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an "additional use" (i.e., to those allowed by right in the base zoning district) in the ordinance establishing the PD.
- B. In the case of residential PD districts, the proposed lot sizes shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.) except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

24.3 PLANNED DEVELOPMENT REQUIREMENTS:

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the Board of Commissioners and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned Development district shall conform to all other regulations of the base zoning district, as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.
- C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- D. The minimum acreage for a planned development request shall be ten (10) acres.

24.4 In establishing a Planned Development district in accordance with this Section, the Board of Commissioners shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development district. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a Concept Plan for a proposed non-residential, multi-family or manufactured (mobile) home project, or a Preliminary Plat for a proposed residential (i.e., single- or two-family) project, shall be required along with the PD zoning application. A detailed Site Plan may be submitted in lieu of the Concept Plan (or a Final Plat in lieu of the Preliminary Plat, see the Subdivision Ordinance for submission requirements) if the applicant prefers to do so, and if the applicant wishes to expend the resources/funds necessary to prepare a complete detailed Site Plan (or Final Plat) submission (i.e., detailed engineering/architectural plans, etc.; see Section 31).

- A. **Concept Plan (or Preliminary Plat)** - This plan shall be submitted by the applicant at the time of the PD request (for exceptions, see Section 24.5(D)). The plan shall show the applicant's intent for the use of the land within the proposed Planned Development district in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements:
 - 1. **Residential Preliminary Plat** - A preliminary plat shall be submitted with any residential PD zoning request for a development comprised of single-family (detached or attached) or two-family (duplex) dwellings on individually platted lots, and shall show general uses, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, project scheduling, and other pertinent development data. (See the Subdivision Ordinance for application

procedures and requirements for a preliminary plat submission.)

2. **Nonresidential Concept Plan** - A Concept Plan shall be submitted with any nonresidential, multi-family, or manufactured (mobile) home PD zoning request, and shall clearly show all pertinent aspects of the type and nature of the proposed development. The Concept Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; project phasing and scheduling; and other pertinent development data to adequately describe the proposed development.

- a. A detailed Site Plan shall be submitted for approval (in accordance with Subsection B below, and with Section 31 of this Ordinance) within one (1) year from the approval date of the Concept Plan for all or some portion/lot of the Planned Development covered by the overall Concept Plan. If a detailed Site Plan is not submitted within one (1) year, then the Concept Plan may be subject to review by the Planning and Zoning Commission and the Board of Commissioners to determine its continued validity. If the City determines that the Concept Plan is no longer valid or that the proposed development is no longer viable, then a new Concept Plan (along with a zoning application to amend the PD ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to detailed Site Plan review/approval (and any subsequent issuance of a building permit) for any portion of the PD district.

- B. **Site Plan (detailed)** - Submission and approval of the detailed Site Plan shall be in accordance with Section 31 of this Ordinance, and shall accompany an application for Planned Development zoning if the applicant prefers to submit the detailed Site Plan in lieu of the required Concept Plan. The detailed Site Plan will establish the final plans for development of the Planned Development district (or any portion/lot thereof), and it shall substantially conform to the site layout and development data approved on the Concept Plan (adopted along with the PD ordinance). If a Concept Plan was previously approved for the overall PD district, then a detailed Site Plan (along with the required engineering/architectural site construction plans) may be submitted for only the sections/lots that are proposed for immediate development rather than for the entire PD. If no Concept Plan was approved with the ordinance establishing the PD, then a detailed Site Plan (along with the required engineering/architectural site construction plans) must be submitted for the entire PD, even though only portions of it are proposed for immediate development.

For any single- or two-family residential district (AG, SF-15, SF-10, SF-6, R-1, R-2 or MF), a Preliminary Plat shall qualify as the detailed Site Plan.

24.5 APPROVAL PROCESS AND PROCEDURE:

- A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments as set forth in Section 10 of this Ordinance. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the Concept Plan (or Preliminary Plat, for a residential PD) or the detailed Site Plan (or Final Plat, for a residential PD) which is submitted along with the PD zoning

request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying Concept Plan/Preliminary Plat or detailed Site Plan/Final Plat.

- B. The ordinance establishing the Planned Development zoning district shall not be approved (or adopted) until the accompanying Concept Plan or detailed Site Plan is approved by the Board of Commissioners, and until all other procedural requirements set forth in Section 10 are satisfied.

24.6 When a zoning request for a Planned Development district is being considered, a written report from the City Manager (or his/her designee) discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the School District and/or utility companies), may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the Board of Commissioners. In the event written comments and advisement are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the Board of Commissioners without said comments or advisement.

24.7 All Planned Development zoning districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the Zoning District Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained by the City.

SECTION 25 MHO -- MANUFACTURED HOME OVERLAY DISTRICT

25.1 GENERAL PURPOSE AND DESCRIPTION:

The MHO, Manufactured Home Overlay, district is intended to be applied in conjunction with a residential base zoning district to encourage the use of HUD-code manufactured homes within certain areas that are already platted or partially developed.

25.2 PERMITTED USES:

- A. Those uses allowed in the base zoning district as prescribed in Section 27 (Use Charts) of this Ordinance.

25.3 AREA REGULATIONS:

- A. All development standards as stated for the base zoning district shall apply, except as follows:
 - 1. The minimum dwelling unit size shall be as established in the base zoning district.
 - 2. All units shall be at least twenty-five feet (25') wide (e.g., "double-wide").
 - 3. A pitched roof having a minimum 4:12 pitch is required.
 - 4. At least two (2) parking spaces are required for each unit, to be placed behind the front building line and to be upon the same lot as the dwelling unit (i.e., on-site).
 - 5. All parking surfaces and driveways shall be an approved all-weather surface.
 - 6. All manufactured home units shall provide skirting from the top of the unit's frame to grade on all sides of the unit. Skirting shall totally enclose under portions of the unit, including all required anchors, footings, and piers. All required skirting shall be masonry or factory designed material (or other material approved by the City Manager, or his/her designee, but not corrugated metal), and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.
 - 7. Porches, patios and decks shall be constructed on-site, and shall not encroach into front, side or rear yard setbacks.
 - 8. Axles and tongues shall be removed, such that the manufactured housing unit becomes permanently placed upon the site.
 - 9. Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structures.
 - 10. Each housing unit shall have a minimum six-inch (6") roof overhang.

25.4 SPECIAL AND SUPPLEMENTAL REQUIREMENTS:

- A. This district shall be used only in conjunction with a base zoning district (i.e., not as a free-standing zoning district).
- B. All dwelling units shall be HUD-code manufactured home units or industrialized (modular) housing units.
- C. To insure against natural hazards such as tornados, high winds and electrical storms, anchorage to an approved, permanent foundation shall be provided for each manufactured/mobile home in accordance with local and Building Code requirements.

SECTION 26 SUP -- SPECIFIC USE PROVISIONS

26.1 SPECIFIC USES:

The purpose of this overlay district is to allow certain uses within base zoning districts that, under most circumstances, would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The Board of Commissioners by an affirmative vote may, after public hearing and proper notice (in accordance with the procedures set forth in Section 10) to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the City, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Specific Use Provision (SUP). As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

A zoning application for an SUP shall be accompanied by a metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the SUP is being requested, and by a site plan (see Section 31) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The City shall make available application forms specifying drawing requirements. The City Manager (or his/her designee), Planning and Zoning Commission or Board of Commissioners may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed. The site plan shall be reviewed and approved along with the SUP zoning application, and in accordance with Section 31 of this Ordinance.

26.2 SPECIFIC USE PROVISION REGULATIONS:

A. In recommending that a Specific Use Provision for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and the Board of Commissioners may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;
 4. Any negative impact on the surrounding area has been mitigated; and/or
 5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.
- B. In granting a Specific Use Provision, the Planning and Zoning Commission and the Board of Commissioners may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his/her designee, for use of the building on such property pursuant to such Specific Use Provision and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the Board of Commissioners prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the SUP.
- C. No Specific Use Provision shall be granted unless the applicant, owner and grantee of the Specific Use Provision shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Provision, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the Board of Commissioners.
- D. A building permit or certificate of occupancy shall be applied for and secured within one (1) year from the time of granting the Specific Use Provision, provided however, that the Board of Commissioners may authorize an extension of up to one (1) additional year. After the one-year period (and the extension, if such has been granted by the Board of Commissioners) has elapsed, the Planning and Zoning Commission and the Board of Commissioners may review the site plan for continued validity and compliance. If the site plan is determined to be invalid or no longer viable, then the applicant/property owner(s) must submit a new or revised site plan for approval prior to any construction or to application for a building permit for the area designated for the Specific Use Provision. The new site plan must be resubmitted for review and approval in accordance with Section 31 of this Ordinance. If building construction/use of an SUP has not commenced within a reasonable amount of time after one (1) year, then the Board of Commissioners, at its option, may initiate proceedings to rescind said SUP for lack of use.
- E. No building, premise, or land used under a Specific Use Provision may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Specific Use Provision is granted for such enlargement, modification, structural alteration, or change.
- Minor changes or alterations may be approved by the City Manager, or his/her designee.
- F. The Zoning Board of Adjustments (ZBA) shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Provision.

- G. When the Board of Commissioners authorizes granting of a Specific Use Provision, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by a "SUP", or "S" designation followed by the identification number assigned to that particular SUP (e.g., S-1, S-2, S-3, and so on). A list of all issued SUPs, showing the uses allowed and any other special stipulations of each SUP, shall be maintained by the City.

26.3 USE REGULATIONS:

- A. Uses allowed by SUP are specified in Section 27 (Use Charts).

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IV. USE REGULATIONS

SECTION 27 USE REGULATIONS (CHARTS)

27.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:

Designates use  permitted in the zoning district indicated.

Designates use  prohibited (i.e., not allowed) in the zoning district indicated.

Designates use  may be allowed in the zoning district indicated by Specific Use Provision (also see Section 26).

See Definitions in the Appendix (A-1) for further description of uses identified with an asterisk (*).

B. If a use is not listed, it is not allowed in any zoning district.

C. Use Chart Organization:

1. Primary Residential Uses (Use Chart 27.2)
2. Accessory and Incidental Uses (Use Chart 27.3)
3. Utility and Service Uses (Use Chart 27.4)
4. Recreational and Entertainment Uses (Use Chart 27.5)
5. Education, Institutional, Public, and Special Uses (Use Chart 27.6)
6. Transportation Related Uses (Use Chart 27.7)
7. Automobile and Related Uses (Use Chart 27.8)
8. Office and Professional Uses (Use Chart 27.9)
9. Retail and Related Service Uses (Use Chart 27.10)
10. Commercial Uses (Use Chart 27.11)
11. Light Industrial and Related Uses (Use Chart 27.12)

D. **Classification of New/Unlisted Uses** - It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the City of Burkburnett. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Sections 35.2 through 35.12) shall be made as follows:

1. **Initiation:**

- a. A person, City department, the Planning and Zoning Commission, or the Board of Commissioners may propose zoning amendments to regulate new and previously unlisted uses.
 - b. A person requesting the addition of a new or unlisted use shall submit to the City Manager, or his/her designee, all information necessary for the classification of the use, including but not limited to:
 - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (2) The type of product sold or produced under the use;
 - (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (4) Anticipated employment typically anticipated with the use;
 - (5) Transportation requirements;
 - (6) The nature and time of occupancy and operation of the premises;
 - (7) The off-street parking and loading requirements;
 - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
 - (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
2. The City Manager, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in subsection "b" above. An amendment to this Ordinance shall be required as prescribed by Section 10.
3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.

4. The Planning and Zoning Commission shall transmit its findings and recommendations to the Board of Commissioners as to the classification proposed for any new or unlisted use. The Board of Commissioners shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10 (i.e., following notification and public hearing, etc.).
5. Standards for new and unlisted uses may be interpreted by the City Manager, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the City Manager, or his/her designee, may be appealed according to the process outlined in subsections "2" through "4" above.

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(insert chart 27.2....)

(insert chart 27.3....)

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(insert chart 27.6....)

(insert chart 27.7....)

(insert chart 27.8....)

(insert chart 27.9....)

(insert chart 27.10....)

(insert chart 27.10, cont'd.)

(insert chart 27.10, cont'd.)

(insert chart 27.11....)

(insert chart 27.11, cont'd.)

(insert chart 27.12....)

V. DEVELOPMENT STANDARDS

SECTION 28 OFF-STREET PARKING AND LOADING REQUIREMENTS

28.1 PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

28.2 RESIDENTIAL DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. In the SF-6, SF-10 and SF-15 residential zoning districts (and in the R-1 and R-2 districts for any single-family, two-family, patio home, townhome, triplex or quadriplex dwelling unit), all required vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved.
- C. In the SF-6, SF-10 and SF-15 residential zoning districts (and in the R-1 and R-2 districts for any single-family, two-family, patio home, townhome, triplex or quadriplex dwelling unit), no permanent storage of heavy load vehicles (see definition for "heavy load vehicle") shall be permitted between the front of the primary structure and the front property line.

28.3 NONRESIDENTIAL AND MF DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 28.10 (Fire Lanes).
- C. All off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces).

Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

- D. Each standard off-street surface parking area shall be designed in accordance with the standards as shown on Illustration 10 for overall layout and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
1. Standard: Nine feet (9') by eighteen feet (18')
 2. Compact: Nine feet (9') by sixteen feet (16'); limited to a maximum of ten percent (10%) of the required number of parking spaces; must be clearly designated with appropriate signage.
 3. Parallel: Eight feet (8') by twenty-two feet (22')
- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.
- H. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).
- I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City Manager, or his/her designee.

28.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:

- A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks on-site (i.e., no backing or maneuvering may occur on a street or public alley). Each site shall provide a designated on-site loading and maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

<u>Total Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 to 10,000 square feet	None
10,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
100,001 to 200,000 square feet	3
Each additional 100,000 square feet	1 additional

- B. In all zoning districts except Industrial, loading docks or service/delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street. In the Industrial district, loading docks or service/delivery entrances (which may include overhead rolling steel doors) may be constructed facing a public street if they are set back a minimum of seventy-five feet (75') from the right-of-way line of the street, and if they are visually screened from the roadway (using a "line of sight" which is measured from a vertical height of five feet (5') at the right-of-way line of the roadway). Screening shall be subject to the following standards:
1. Screening shall be a brick/masonry wall not less than ten feet (10') in height. An alternative form of screening (e.g., a tall, living screen/hedge) may be approved on the site plan, provided that it will achieve the purpose and intent of this subsection (i.e., opacity; ten-foot height; screening loading areas from view of streets) within three years after planting (if a living screen).
 2. Screening shall be provided for a linear distance equal to the length of the area where the loading docks/service areas are exposed to the public street.
- C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
- D. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow passby or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

28.5 PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:

- A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all districts (except single-family and duplex zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Manager, or his/her designee.
 - 1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
 - 2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.
- D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Illustration 10.

28.6 PARKING REQUIREMENTS BASED UPON USE:

- A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
 - 1. **Automobile parts sales (indoors):** One (1) space per five hundred (500) square feet of indoor floor area, plus one (1) space for each two thousand (2,000) square feet of outside sales area.
 - 2. **Automobile sales or service:** See Motor-Vehicle Sales
 - 3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area
 - 4. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use
 - 5. **Bowling alley or center:** Six (6) parking spaces for each alley or lane
 - 6. **Bus or truck repair, storage area, or garage:** One (1) space for each five hundred (500) square feet of floor area and repair garage with a minimum of five (5) spaces
 - 7. **Business or professional office (general):** One (1) space per three hundred (300) square feet of gross floor area, except as otherwise specified herein
 - 8. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the

washing areas/stalls themselves; **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area (finished vehicles may not be parked in any portion of a circulation/drive aisle, access easement, fire lane, street, etc.)

9. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see SubSection 28.7(B))
10. **College or university:** One (1) space per three (3) day students (based upon maximum occupancy and/or enrollment numbers)
11. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:
 - a. Racquetball or handball courts - Three (3) spaces for each court
 - b. Indoor tennis courts - Six (6) spaces for each court
 - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet
 - d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area
 - e. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet
 - f. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet
 - g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3½) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see SubSection 28.7(B))
 - h. Amusement Center - One (1) space for each game table and one (1) space for each amusement device
 - i. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses
12. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area
13. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area
14. **Community center, library, museum or art gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional

parking provided on the basis of one (1) space for each four (4) seats that it contains (see SubSection 28.7(B))

15. **Convenience store (with gasoline pumps):** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 32.2(E))
16. **Dance/aerobics studio, or assembly/exhibition hall without fixed seats:** One (1) parking space for each one hundred (100) square feet of floor area thereof
17. **Day nursery, day care center:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle)
18. **Defensive driving school/class:** One (1) space for each classroom seat (see SubSection 28.7(B))
19. **Fast-Food or Drive-In Restaurant:** One (1) parking space per one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities.
20. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
21. **Gasoline station:** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 32.2(E))
22. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees
23. **Golf driving range:** One and one-half (1½) spaces for each driving tee
24. **Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area
25. **Hospital:** One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees during periods of full occupancy.
26. **Hotel or Motel:** One (1) space per room for the first two hundred fifty (250) rooms

and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.

- a. One and one-tenth (1.1) spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
 - b. Two (2) spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
 - c. One (1) space for every two (2) employees during peak (i.e., busiest) time periods when the hotel/motel is fully occupied.
27. **Industrial (light) uses:** One (1) space for each one thousand (1,000) square feet of floor area (one space per 300 square feet for office/administrative areas)
 28. **Institutions of a philanthropic nature:** Ten (10) spaces plus one (1) space for each employee
 29. **Library or museum:** Ten (10) spaces plus one (1) space for every three hundred (300) square feet
 30. **Lodge or fraternal organization:** One (1) space per two hundred (200) square feet
 31. **Lumber yard/home improvement center:** One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse
 32. **Machinery or heavy equipment sales:** One (1) space per five hundred (500) square feet of gross floor area
 33. **Manufactured/mobile home or manufactured/mobile home park:** Two (2) spaces for each manufactured/mobile home unit, plus visitor/supplemental parking in accordance with Subsection 18.4(B), plus additional spaces as required herein for accessory uses
 34. **Manufacturing, processing or repairing:** One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
 35. **Medical or dental office:** One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
 36. **Mini-warehouse:** Four (4) spaces per establishment plus (1) one additional space per ten thousand (10,000) square feet of storage area
 37. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see SubSection 28.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public

roadway.

38. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).
39. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees at full occupancy.
40. **Office (administrative or professional):** One (1) space for each three hundred (300) square feet of floor area
41. **Outdoor display:** One (1) space for each six hundred (600) square feet of open sales/display area
42. **Places of public assembly not listed:** One (1) space for each three (3) seats provided (see SubSection 28.7(B))
43. **Real estate office:** One (1) space for each two hundred (200) square feet
44. **Restaurant, private club, night club, cafe or similar recreation or amusement establishment:** One (1) parking space for each one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities
45. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area in addition to any stacking spaces that may be needed/provided for drive-through facilities
46. **Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses
47. **Rooming or boarding house:** One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift
48. **Sanitarium or similar institution:** One (1) parking space for each six (6) beds, plus one (1) parking space for every two (2) employees at maximum (i.e., peak) shift and full occupancy
49. **School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity)
50. **School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity)
51. **School, high school (grades 9-12):** One space for each three (3) students, faculty and staff (design capacity)

52. **Storage or warehousing:** One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
53. **Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space
54. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces (see SubSection 28.7(B))
55. **Truck stop/travel center:** One (1) truck parking space for each ten thousand (10,000) square feet of site area, plus one (1) vehicle parking space per two hundred (200) square feet of retail/service building area (plus one space per one hundred square feet of restaurant/café floor area, if provided)
56. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.
57. **Warehouse or wholesale type uses:** One (1) space for five thousand (5,000) square feet of gross floor area.

28.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES:

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. **"Floor Area"** shall mean the gross floor area of the specific use.
- B. **"Seat"** shall be interpreted as follows:
 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and
 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).
- C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the City Manager, or his/her designee, in accordance with the requirements for the most closely related use specified in this Section.
- E. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

- F. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.
- G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the City Manager, or his/her designee. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Burkburnett.
- H. **Compact Car Spaces** - In the C/B and I districts only, compact car parking spaces may be permitted when approved as part of a detailed site plan by the Planning and Zoning Commission and the Board of Commissioners, providing one of the following conditions apply:
1. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent (10%) of required parking may be designated for compact cars.
 2. On parking lots larger than fifty (50) spaces involving large industrial buildings or large offices and where there is only one tenant, a maximum of ten percent (10%) of the required parking may be for compact cars.
 3. On parking lots larger than fifty (50) spaces involving a shopping center, a maximum of ten percent (10%) of the required parking may be for compact cars.

28.8 LOCATION OF PARKING SPACES:

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed five hundred (500) feet from any nonresidential building served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and the Board of Commissioners is required according to the following criteria:
1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:
 - a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefitted shall be dedicated and recorded as a condition of

- such use, or
- b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

28.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

28.10 FIRE LANES:

- A. Fire lanes shall be provided in all multi-family (and in some single-family attached), manufactured home, and nonresidential developments, as required by the City's Fire Code and subject to review and approval by the Fire Chief. Fire lanes shall be a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code. The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14').

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SECTION 29 ACCESSORY BUILDING AND USE REGULATIONS

- 29.1 In a single-family or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.
- 29.2 *Reserved.*
- 29.3 Accessory dwelling units in the “AG” district shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:
- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
 - B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit, and shall be constructed out of the same material as the main structure.
 - C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - D. Setback requirements shall be the same as for the main structure.
 - E. Accessory dwellings are not permitted without the main or primary structure.
- 29.4 Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted in residential zoning districts (see regulations for the specific district, and the Use Charts, Section 27), and shall conform to the height limitations of the main structure. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

29.5 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:

A. Size of Yards:

1. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.
2. **Side or Rear Yard:** There shall be a side/rear setback not less than five feet (5') from any side/rear lot line or alley line for any accessory building, provided that such building is separated from the main building by a minimum distance of ten feet (10') and provided that such accessory building is no taller than eight feet (8') in height (buildings taller than eight feet shall observe the same setback as the main building). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side/rear yard requirements for the main building shall be observed. Accessory buildings adjacent to a side/rear street shall have a side/rear yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side/rear yard shall have a minimum setback of the required yard for the main building or twenty feet (20'), whichever is greater.
3. Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See Illustration 4).
4. Accessory buildings are not permitted without a main structure.
5. Accessory buildings shall not exceed one (1) story in height, unless otherwise allowed in the specific zoning district. Garage/accessory dwelling units are allowed up to thirty-five feet (35') in height in some residential districts. Garage/accessory dwelling units up to two (2) stories may be allowed in certain other districts (see Section 27) by SUP if there is no adverse impact upon adjacent properties.
6. Metal accessory buildings less than two hundred and forty (240) square feet are permitted but shall not be used as an enclosed parking area or garage.

SECTION 30 FENCING, WALLS AND SCREENING REQUIREMENTS

30.1 PURPOSE:

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

30.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED/MOBILE HOME PARKS:

- A. In the event that multi-family, non-residential uses, or manufactured/mobile home parks side or back upon a single-family (e.g., AG, SF-15, SF-10, SF-6 or R-1) or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family or manufactured home district (e.g., MF or R-2), a solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
1. The owner of the property in the higher intensity district (i.e., MF, C/B, I, etc.) shall be responsible for building and maintaining the required wall on the property line dividing the property from the single-family or lower intensity zoning district.
 2. Any screening wall or fence required under the provisions of this Section, under a Specific Use Provision, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
 3. Alternative equivalent screening may be approved through the site plan approval process, Section 31.
- B. All required screening walls shall be equally finished on both sides of the wall.
- C. Open storage of materials, commodities or equipment (see Section 27, Zoning Districts permitting outside storage), where such are allowed, shall be screened with a minimum six-foot (6') fence or wall. (See Appendix A-1 definition of outside storage.)
- D. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one (or a combination) of the following methods:
1. Solid masonry (brick, concrete block or concrete panels)
 2. Chain link with solid landscape screening
 3. Wrought iron with solid landscape screening
 4. Alternate equivalent screening may be approved through the site plan approval process under Section 31.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Provision.

- E. Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, multi-family and manufactured/mobile home park uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides (see Illustration 11 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the site plan approval process, Section 31. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 11.
- F. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the City Manager (or his/her designee) for review and approval prior to construction of said screening/fencing.

30.3 FENCES IN RESIDENTIAL AREAS:

- A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
- B. Except as provided by (C) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot. No fence shall be erected in any front yard or side yard which is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin the fence may be constructed out to the property line of said side yard.
- C. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding thirty-six inches (36") in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.
- D. All fences require permits.
- E. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over one (1) acres in size.
- F. Gates designed for vehicular access shall be set back from the property line a minimum of twenty feet (20') such that vehicles waiting to enter the property are not standing/parking in the street.
- G. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City of Burkburnett's codes/ordinances pertaining to same.
- H. See Section 32 for sight visibility requirements.
- I. Special purpose fencing, such as fencing around tennis courts, is permitted.

SECTION 31 SITE PLAN REVIEW

31.1 SITE PLAN REVIEW:

- A. **Purpose** - This Section establishes a site plan review process for proposed nonresidential and multi-family residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. **Applicability** - Site plan review and approval shall be required for the following:
1. Any nonresidential development (including a school or church within a residential zoning district)
 2. Any multi-family development or manufactured/mobile home park
 3. Any development with two (2) or more buildings per platted lot
 4. Any Planned Development district or Specific Use Provision (public hearings may also be required, see Sections 32 and 34).

No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a zoning request for a Planned Development or an SUP.

- C. **Exemptions and exceptions** - Site plan review shall not be required for single-family (attached or detached) or two-family residential developments, except as provided in (B.4.) above, unless the proposed subdivision will include a private amenity/facility comprised of one or more buildings (e.g., a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (i.e., not public) streets. In these instances, site plan submission and approval (in accordance with this Section) will be required for the private amenity/facility, the golf course clubhouse/hospitality area, and the gated (i.e., restricted access) entrances.
- D. **Site plan submission requirements** - The site plan submission shall be comprised of the following (all required items/information must be received by the City Manager, or his/her designee, in order for a site plan/development review submission to be considered complete -- incomplete submissions will not be reviewed until all deficient items/information has been received):
1. Application form (format to be provided by the City) signed by the owner or his/her designated representative (if the applicant is not the owner of the subject property, then he/she shall submit verification in the form of a notarized statement that he/she is acting as an authorized agent for the property owner).
 2. Filing fee (as established within Appendix A-3 of this Ordinance).

3. Verification that all taxes and assessments on the subject property have been paid (see Subsection E below).
 4. Copies of the site plan (on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible), the quantity of which shall be determined by the City Manager, or his/her designee.
 5. Complete sets of engineering/construction plans (including the site plan and plat) for all site work and for all required public improvements (e.g., water, wastewater, grading/storm drainage, streets, alleys, fire lanes and hydrants, etc.), the quantity of which shall be determined by the City Manager, or his/her designee.
 6. Preliminary plat/final plat submission (as per the Subdivision Ordinance), if the property has not yet been platted, or a replat submission if additional easements or rights-of-way will need to be established for the proposed development.
 7. Landscaping and irrigation plans, the quantity of which shall be determined by the City Manager, or his/her designee.
 8. Building facade (i.e., elevation) plans, the quantity of which shall be determined by the City Manager, or his/her designee.
 9. Any additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Manager, or his/her designee, in order to ensure that the request is understood.
- E. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Burkburnett, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan/development review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.
- F. **Site plan details** - The site plan and accompanying engineering/construction plans shall contain sufficient information relative to site design and construction to clearly show the extent of the proposed development/construction, and shall include but not be limited to the following:
1. A site inventory analysis including major existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
 2. Any existing and proposed public/private streets and alleys; building sites or lots; any areas reserved as parks, parkways, playgrounds, utility easements or school sites; any proposed street widening and street changes (i.e., median cuts and turn lanes); the points of ingress and egress from existing/proposed streets; location and description of existing and proposed utility services, including size of water and sewer mains and laterals, and storm drainage structures (including grading); the location and width for all driveway openings; topography at no more than two-foot (2') contours; and existing development on all abutting sites and the zoning

classification thereof.

3. Placement of all buildings on the site, showing the building footprints and setback lines, and all property lines, street curb lines, alley lines, easements, screening walls, signage, any service/delivery areas for trucks, fire lanes, and parking areas (including parking space counts and a schedule of parking ratios used for the various proposed uses).
4. A landscape plan showing turf areas, screening walls, ornamental plantings, any existing wooded areas and trees to be planted, and irrigation plans (if required).
5. Building facade (i.e., elevation) plans showing elevations with any attached (i.e., wall-mounted) signage to be used, as determined appropriate by the City Manager, or his/her designee.

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the City Manager (or his/her designee) shall have the authority to update such requirements for site plan/development review applications.

- G. **Supplemental requirements** - The City's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information.
- H. **Principles and standards for site plan review and evaluation** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Burkburnett, and to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

The City Manager, or his/her designee, shall review the site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Burkburnett; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the City Manager, or his/her designee, shall be performed with respect to the following:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Burkburnett including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious

design, setbacks, maintenance of property values, and any possible negative impacts.

4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Burkburnett.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

31.2 APPROVAL PROCESS:

- A. The City Manager (or his/her designee) shall review and evaluate all site plan submissions, and shall make a recommendation to the Planning and Zoning Commission to approve the site plan, to approve the site plan with conditions or stipulations, or to deny the site plan for certain reasons. The City Manager, or his/her designee, may prepare a written report/evaluation of the site plan/development application, which may include background information on the subject property, its zoning history, development and zoning patterns surrounding the site, discussion of any issues or concerns, and a staff recommendation as described above. The staff report/evaluation should be made available to members of the Planning and Zoning Commission prior to the meeting date on which the application will be considered in order to allow time for review and for site visitation, if necessary.
- B. The City Manager, or his/her designee, shall schedule consideration of the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) days after the submission is received (or, in the case of an incomplete submission, after the submission is deemed complete). The Planning and Zoning Commission shall review

the site plan and shall forward its recommendation to approve the site plan, to approve the site plan with conditions or stipulations, or to deny the site plan to the Board of Commissioners. The site plan shall then be scheduled for consideration by the Board of Commissioners at their next possible meeting. The Board of Commissioners shall determine final approval or disapproval of all site plans.

- C. **Effect of site plan approval** - If development of a lot with an approved site plan has not commenced (i.e., a building permit has not been applied for or issued) within one (1) year of the date of final Board of Commissioners approval of the site plan, then the site plan shall be deemed to have expired. Resubmission of the site plan (i.e., following expiration as described herein) shall be in accordance with site plan submission and review procedures then in effect and shall be accompanied by all required items/information (including payment of filing fees), and reconsideration of the site plan shall take into account all changes to applicable ordinances which may have occurred since prior approval of the site plan.

31.3 REVISIONS TO THE APPROVED SITE PLAN:

- A. **Minor revisions/amendment** - It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the City Manager, or his/her designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an "amended site plan" which substantially conforms to the previously approved site plan), provided that such modifications do not materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of the Board of Commissioners' approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the City Manager, or his/her designee.
- B. **Major revisions** - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a "revised site plan" must be resubmitted, reviewed by the City Manager (or his/her designee), and reconsidered by the Planning and Zoning Commission and the Board of Commissioners in accordance with the procedures set forth in this Section.

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SECTION 32 SUPPLEMENTAL REGULATIONS

- 32.1 A. **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 6, 8 and 9.
- B. **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

32.2 FRONT YARD:

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat and the lot is physically separated from the adjacent lot(s) by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon by a distance of fifteen feet (15') or more, in which event only one required front yard need be observed (see Section 32.3). The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 9).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3). Similarly, the front/side yards of a lot which has more than one street frontage shall conform to the setback lines established by the immediately adjacent lot(s) such that the setbacks along the block face are uniform (i.e., consistent; not staggered). At least one front yard setback shall be provided for every lot/parcel.
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4).
- D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.

- E. Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.
- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.
- G. The maximum height of fences and other structures within the front yard shall be thirty-six inches (36").

32.3 SIDE YARDS:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after December 21, 1997 (pursuant to the Subdivision Ordinance, Ordinance #445, as amended), except that one street exposure may be designated as a side yard for the corner lot if an alley, street right-of-way, creek/flood plain area, or other similar phenomenon physically separates the corner lot from the adjacent lot by a distance of fifteen feet (15') or more. In such case, a building line may be designated as a side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

32.4 SPECIAL HEIGHT REGULATIONS:

- A. In the districts where the height of buildings is restricted to two (2) to three (3) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

32.5 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:

- A. In all residential zoning districts (AG, SF-15, SF-10, SF-6, R-1, R-2 and MF), commercial antennas and antenna support structures are prohibited, except as specified within this Section.
 - 1. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) exceeding fifty feet (50') in height, provided that the antenna does not extend more than 10 feet above the height of the utility structure (see 32.5(c) below).
 - 2. A commercial antenna may be placed wholly within any building permitted in the zoning district (see 32.5(c) below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- B. In nonresidential zoning districts (C/B and I), commercial antennas and antenna support structures are allowed as follows:
 - 1. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Provision (SUP). In all nonresidential zoning districts, antenna support structures must meet the setback requirements from residential districts.
 - 2. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) exceeding 50 feet in height, provided that the antenna does not extend more than 10 feet above the height of the utility structure (see 32.5(c) below).
 - 3. A commercial antenna may be placed wholly within any building permitted in the zoning district (see 32.5(c) below). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- C. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures exceeding fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.
- D. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards (see Illustration 8).

- E. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.
- F. Satellite dishes and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not extend over twelve feet (12') above the roof of the building. Any parabolic or satellite dish antenna over three feet (3') in diameter, but not exceeding twelve feet (12') in diameter, may be mounted on the roof if a letter certifying the roof's/building's structural stability is written and sealed by a registered architect or engineer and submitted to the City Manager, or his/her designee. Roof-mounted antennae that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.
- G. Only one (1) satellite dish shall be permitted per residential lot or primary structure, except that a maximum of two (2) dishes shall be allowed if both units are three feet (3') or less in diameter. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the City Manager, or his/her designee.
- H. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.
- I. All publicly owned antennae or antenna support structures shall be permitted in any district (e.g., public safety communications, etc.).

32.6 MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

32.7 OPEN STORAGE AREAS:

Open storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display in Appendix A-1).

32.8 SIGHT VISIBILITY:

Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- A. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Illustration 12).
- B. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see

Illustration 12).

- C. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.
- D. A limited number of single-trunk trees having a clear trunk (i.e., branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

32.9 SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, DUPLEX, TRIPLEX AND QUADRIplex HOUSING UNITS:

- A. In all zoning districts except the R-2 district, all single-family detached, single-family attached, duplex, triplex and quadriplex housing units shall have a minimum 6:12 roof pitch. Housing units with a roof pitch of less than 6:12 shall have a minimum 12" roof overhang (e.g., 12" eaves/soffits), but in no case shall have a roof pitch of less than 4:12. Industrialized housing units shall have the tongue and axle(s) removed, and shall be permanently anchored to a continuous, cast-in-place, reinforced concrete foundation wall, in accordance with the City's Building Code and other safety codes.

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SECTION 33 HOME OCCUPATION REGULATIONS

33.1 PURPOSE:

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

33.2 SPECIAL PROVISIONS FOR HOME OCCUPATIONS:

- A. All home occupations shall be registered with the City of Burkburnett, and such registration shall serve as acknowledgment by the operator of the occupation that he/she is aware of, and will comply with, all local, State and Federal regulations pertaining to his/her specific business operation. There is no fee for the registration of a home occupation, but the operator of any such enterprise shall be required to complete and file a registration form with the City within thirty (30) days of the date of commencement of the occupation. Failure to register a home occupation with the City within thirty (30) days shall be deemed a violation of this Ordinance, and shall be subject to the penalties provided for in Section 36 of this Ordinance.
- B. Home occupations shall be permitted as accessory use in residential zoning districts (i.e., AG, SF-15, SF-10, SF-6, R-1, R-2 and MF) provided that they comply with all restrictions herein;
- C. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
- D. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
- E. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
- F. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
- G. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for an operation which includes outdoor activities, and between 7:00 a.m. and 10:00 p.m. for an operation which is conducted indoors (i.e., no outdoor activities);
- H. One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;

- I. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
- J. There shall be no outside storage, including trailers, or outside display related to the home occupation use;
- K. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
- L. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;
- M. The occupation shall not use chemicals or substances that are obnoxious or hazardous to the welfare of the neighborhood (the City Manager and/or the Fire Chief shall have the authority to determine whether or not chemicals/substances used in connection with the occupation are to be allowed);
- N. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;
- O. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and
- P. The occupation shall not be harmful or detrimental to the health, welfare, safety and/or convenience of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

33.3 APPLICABILITY OF OTHER REGULATIONS:

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

33.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 33.2 above, home occupations may include the following uses:

- A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
- B. Author, artist or sculptor;
- C. Dressmaker, seamstress, tailor or milliner;

- D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;
- E. Individual tutoring and home schooling;
- F. Small pet breeding (e.g., dogs, cats, rabbits, hamsters, mice, reptiles, fish/aquatic creatures, etc.), provided that no more than three adult (i.e., breeding age) animals are kept on the premises at any given time (not applicable with small caged animals such as hamsters/mice or reptiles, or with fish or other aquatic creatures), that all offspring that will not be retained are sold or removed from the premises within one year of birth, that all animals are housed in such a way that they are not a nuisance to the neighbors, and that all animals are kept properly vaccinated and registered in accordance with local and State regulations;
- G. Office facility of a minister, rabbi, priest or other clergyman;
- H. Home crafts, such as rug weaving, model making, etc.;
- I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
- J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
- K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
- L. Registered Family Homes (see definition in Appendix A-1), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;
- M. Barber shop/beauty salon or manicure studio, provided that no more than one customer is served at a time;
- N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time; and
- O. Bed and Breakfast Facility (see definition in Appendix A-1), provided that no more than five (5) guests are accommodated/served at a time.

33.5 USES PROHIBITED AS HOME OCCUPATIONS:

Home occupations shall not, in any event, be deemed to include the following uses:

- A. Animal hospitals/clinics, commercial stables, kennels or any other use involving the keeping, breeding (except as provided in 33.4 F. above) , training, treatment and/or disposal (e.g., burial) of animals;

- B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than one pupil at a time;
- C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
- D. Automobile, boat or trailer paint or repair shop; engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;
- F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
- G. Commercial clothing laundering or cleaning;
- H. Mortuaries, funeral homes, or any other use that involves preparation for burial/cremation of deceased persons;
- I. Trailer, vehicle, tool or equipment rentals;
- J. Repair shops or services, except as specifically provided in Section 33.4 above;
- K. Drapery or furniture upholstery shops;
- L. Antique, gift or specialty shops;
- M. Repair shops for any items having internal combustion engines;
- N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy; and

33.6 HOME OCCUPATION USES NOT CLASSIFIED:

- A. Any use that is not either expressly allowed nor expressly prohibited by Sections 33.4 and 33.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Burkburnett Board of Commissioners, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

33.7 EFFECT OF SECTION 33 UPON EXISTING HOME OCCUPATIONS:

- A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7 provided that the owner/proprietor of such home occupation register his/her business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

- B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue as a legal, conforming use, provided that the home occupation is registered with the City as described in Subsection 33.2 A.

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VI. PENALTIES AND NONCONFORMITIES

SECTION 34 EFFECT OF INTERPRETATION

34.1 In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

SECTION 35 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

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

SECTION 36 PENALTY FOR VIOLATIONS

36.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 37 VALIDITY

37.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 38 EMERGENCY

38.1 The Board of Commissioners find that there is an immediate need for implementation of this Ordinance to preserve the public business, property, health and safety of the City of Burkburnett and its citizens, and that these circumstances create an emergency requiring the provisions of this Ordinance to become effective immediately upon passage in order to promote the general welfare of the City and its inhabitants. Accordingly, this Ordinance shall take effect immediately from and after its passage, thereby suspending the need for additional readings of this Ordinance.

PASSED AND ADOPTED by the Board of Commissioners of the City of Burkburnett, Texas on the 17th day of April, 2000.

Bill Vincent
Mayor

ATTEST:

Trish Holley
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jay Cantrell
City Attorney