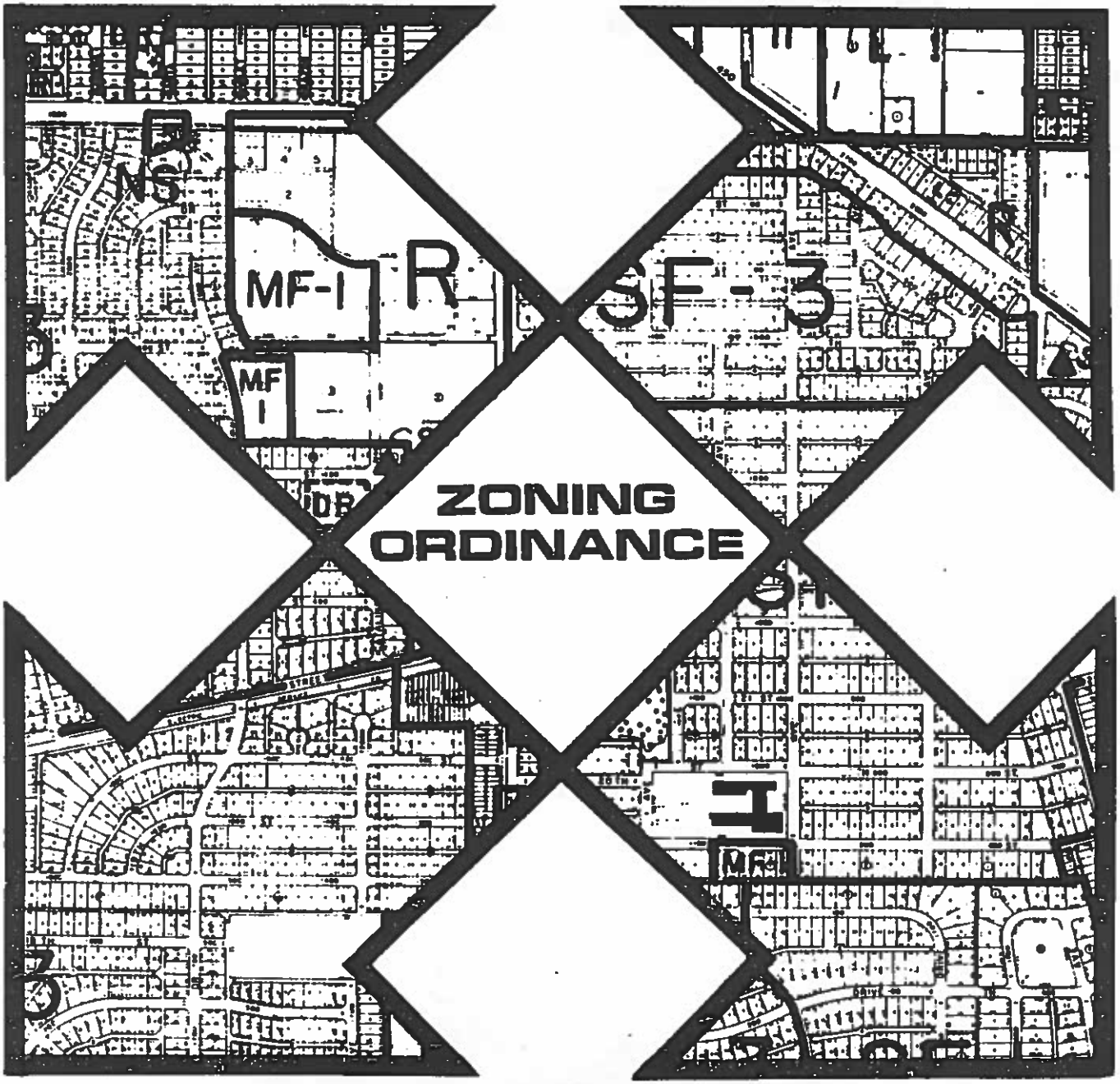

CITY OF ODESSA, TEXAS

Revised November 2006

ZONING ORDINANCE

CITY OF ODESSA, TEXAS

ORDINANCE NO. 80-04

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WHEREAS, the Planning and Zoning Commission after the public hearing reviewed all testimony and requests, and did present to the City Council a revised Zoning Ordinance and map in its final recommended form for adoption; and,

WHEREAS, after due consideration, the City Council under the authority of the State zoning enabling legislation and its general "home rule" powers, desires to adopt the following described regulations and zoning map;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

ORDINANCE NO. 79

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE EXISTING ZONING ORDINANCE OF THE CITY OF ODESSA; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN FOR THE CITY; REGULATING THE USE OF BUILDINGS AND LAND, THE HEIGHT OF BUILDINGS, AND THE SIZE OF YARDS AND OPEN SPACES, WITHIN SUCH DISTRICTS; PROVIDING FOR THE INCLUSION OF NEW AND UNLISTED USES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; PROVIDING SURFACE DRAINAGE AND FLOOD HAZARD REGULATIONS; REGULATING THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR CERTAIN USES; SETTING FORTH THE POWERS OF THE BOARD OF ADJUSTMENT; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; ADOPTING AND INCORPORATING HEREIN A ZONING DISTRICT MAP; PROVIDING FOR A PENALTY NOT EXCEEDING TWO HUNDRED DOLLARS ($200.00) FOR EACH VIOLATION OF THIS ORDINANCE; AND CONTAINING OTHER MISCELLANEOUS PROVISIONS.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Odessa to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, convenience, and general welfare be promoted; and,

WHEREAS, the Planning and Zoning Commission after considerable study did recommend that a joint public hearing be held by the Planning and Zoning Commission and the City Council concerning proposed revisions in the Zoning Ordinance of the City of Odessa; and,

WHEREAS, pursuant to such recommendation, the joint public hearing was held on the 11th day of October, 1979, after written notice was mailed to all owners of real property as their names appeared upon the last approved tax roll, at least fifteen (15) days before the date set for hearing in accordance with Article 1011f, Texas Revised Civil Statues, and notice was published in a paper of general circulation in the City of Odessa, at least fifteen (15) days prior to such hearing date, in accordance with Article 1011e, Texas Revised Civil Statutes; and,

1-100 ENACTING CLAUSE

That Ordinance Number 72-01 of the City of Odessa, Ector County, Texas, known as the Zoning Ordinance as originally adopted together with all amendments, is hereby amended in its entirety to read as follows:

2-100 PURPOSE

The Zoning Regulations and Districts as herein established have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the 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 consistent with a Comprehensive Plan.

3-100 ZONING DISTRICTS ESTABLISHED

THE CITY OF ODESSA, TEXAS IS HEREBY DIVIDED INTO TWENTY-SEVEN (27) ZONING DISTRICTS. THE USE, HEIGHT AND AREA REGULATIONS AS SET OUT HEREIN ARE UNIFORM IN EACH DISTRICT. THE TWENTY-SEVEN (27) DISTRICTS ESTABLISHED HEREIN SHALL BE KNOWN AS:

Abbreviated Designation	Zoning District Name
FD	Future Development District
SF-E	Single-Family Estate District
SF-1	Single-Family Residence District-1
SF-2	Single-Family Residence District-2
SF-3	Single-Family Residence District-3
SP-D	Special Dwelling District
2F-1	Two-Family Residence District-1
2F-2	Two-Family Residence District-2
GR	General Residence District
4-F	Four-Family Residence District
MF-1	Multiple-Family Residence District-1
MF-2	Multiple-Family Residence District-2

Abbreviated Designation	Zoning District Name
MH-E	Mobile Home Estate District
MH	Mobile Home District
U	University District
P	Parking District
O	Office District
MC	Medical Center District
NS	Neighborhood Service District
R	Retail District
R-1	Retail-1 District
CB-1	Central Business District-1
CB-2	Central Business District-2
LC	Light Commercial District
HC	Heavy Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
PD	Planned Development District
HD	Historical District -- Designates Historical District overlay.
HL	Historical Landmark -- Designates Historical Landmark overlay.
SD	When prefix to any district designation as it appears on the Zoning District Map specifies a sub-district subject to provisions of 7-700 through 7-709.
FH, DR	When suffix to any district designation as it appears on the Zoning District Map specifies a sub-district subject to provisions of 7-800 through 7-804.
S	Designates Specific Use Permit by code number of Zoning District Map

4-100 ZONING DISTRICT MAP

THE BOUNDARIES OF THE ZONING DISTRICTS SET OUT HEREIN ARE DELINEATED UPON THE ZONING DISTRICT MAP OF THE CITY OF ODESSA, SAID MAP BEING A PART OF THIS ORDINANCE AS FULLY AS IF THE SAME WERE SET FORTH HEREIN IN DETAIL.

4-101 Three original, official and identical copies of the Zoning District Maps are hereby adopted bearing the signature of the Mayor and the attestation of the City Secretary and shall be filed and maintained as follows:

1. One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.

2. One copy shall be filed with the Building Official and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in issuing Building Permits, Certificates of Occupancy and Compliance and enforcing the Zoning Ordinance.

3. One copy shall be filed in the office of the Planning and Zoning Commission and shall be maintained up to date by posting thereon all changes and amendments.

4. Reproductions for information purposes may, from time to time, be made of the official Zoning District Maps.

5-100 ZONING DISTRICT BOUNDARIES

THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAPS ARE USUALLY ALONG STREETS, ALLEYS, PROPERTY LINES OR EXTENSIONS THEREOF. WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL ZONING MAPS, THE FOLLOWING RULES SHALL APPLY:

5-101 Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

5-102 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

5-103 Boundaries indicated as approximately following city limits shall be construed as following city limits.

5-104 Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.

5-105 Boundaries indicated as following the centerlines or channels of streams or drainageways shall be construed to follow such centerlines or channels.

5-106 Boundaries indicated as parallel to or extensions of features indicated in 5-101 through 5-104 above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale on the map.

5-107 Whenever any street, alley or other public way is vacated by official action of the City Council 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 way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

5-108 Where physical features on the ground are at variance with information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and such questions cannot be resolved by the application of sub-sections 5-101 through 5-107, the property shall be considered as Classified "FD" Future Development District temporarily in the same manner as provided for newly annexed territory and the issuance of a Building Permit and the determination of permanent zoning shall be in accordance with the provisions set forth in Section 6-100 for temporarily zoned areas.

6-100 TEMPORARY ZONING - ANNEXED TERRITORY

ALL TERRITORY HEREAFTER ANNEXED TO THE CITY OF ODESSA SHALL BE TEMPORARILY CLASSIFIED AS "FD" FUTURE DEVELOPMENT DISTRICT, UNTIL PERMANENT ZONING IS ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF ODESSA; THE PROCEDURE FOR ESTABLISHING PERMANENT ZONING ON ANNEXED TERRITORY SHALL CONFORM TO THE PROCEDURE ESTABLISHED BY LAW FOR THE ADOPTION OF ORIGINAL ZONING REGULATIONS.

6-101 In an area temporarily classified as "FD", Future Development District:

1. No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or add to any building or structure or cause the same to be done in any newly annexed territory to the City of Odessa without first applying for and obtaining a Building Permit or Certificate of Occupancy therefore from the Building Official or the City Council as may be required herein.

2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the "FD", Future Development District, unless and until such territory has been classified in a zoning district other than the "FD", Future Development District, by the City Council in a manner set forth by law except as provided in 6-101(3) following.

3. An application for a permit for any use other than a use permitted in the "FD", Future Development District, shall be made to the Building Official of the City of Odessa and by him referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The Planning and Zoning Commission in making its recommendations to the City Council concerning any such permit shall take into consideration the appropriate land use for the area and the comprehensive Land Use Plan for the City of Odessa. The City Council after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application.

4. The Planning and Zoning Commission and the City Council, in making their respective determinations concerning a Building Permit applied for, may request such operating information and development plans from the applicant as may be required to ascertain the proper land use category and zoning district for the use.

7-100 USE OF LAND AND BUILDINGS

LAND AND BUILDINGS IN EACH OF THE FOLLOWING CLASSIFIED DISTRICTS MAY BE USED FOR ANY OF THE FOLLOWING LISTED USES BUT NO LAND SHALL HEREAFTER BE USED, AND NO BUILDING OR STRUCTURE SHALL HEREAFTER BE ERECTED, ALTERED OR CONVERTED WHICH IS ARRANGED OR DESIGNED OR USED FOR OTHER THAN THOSE USES SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED AS SET FORTH BY THE FOLLOWING SCHEDULE OR AS SUCH SCHEDULE MAY BE SUBSEQUENTLY AMENDED:

7-101 LEGEND FOR INTERPRETING SCHEDULE OF USES 7-102 THROUGH 7-114

Designates use permitted in district indicated.	Designates use prohibited in district indicated.	S — Indicates use may be approved as Specific Use Permit (See Section 7-600).

Note: Number in parenthesis ( ) following use listed in Use Schedules 7-102 through 7-114 refers to definitions and explanatory notes which restrict or define the meaning and intent of the specific use in 21-100.

D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE - 1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE - 3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
7-102	**PRIMARY RESIDENTIAL USES**																												
SINGLE FAMILY DWELLING, DETCHED (152)	■	■	■	■	■	■	■	■	■	■	■	■	■		■		■	■	■	■	■	■	■	■	■				■
SINGLE FAMILY DWELLING, ATTACHED (153)						■	■	■	■	■	■	■			■		■	■		■	■	■	■	■	■				■
TWO FAMILY DEWELLING DUPLES (178)						■	■	■	■	■	■	■			■		■	■		■	■	■	■	■	■				■
THREE OR FOUR FAMILY DWELLING (174)									■	■	■	■			■		■	■		■	■	■	■	■	■				■
MULTIPLE-FAMILY DWELLING (APPARTMENT) (106)									■		■	■			■		■	■		■	■	■	■	■	■	■			■
BOARDING OR TOURIST HOUSE (28)												■			■			■			■	■	■	■	■	■			
RESIDENCE HOME FOR THE ELDERLY (140)						S	S	S	S	S	S	■					■	■		■	■	■	■	■	■				■
FRATERNITY OR SORORITY (65)												■			■														
MOBILE OR HUD-MANUFACTURED HOME (104)									■				■	■	■						■			■	■	■			■
MOBILE OR HUD-MANUFACTURED HOME TRANSIENT PARK (105)	S													■							■			■	■	■			
HOUSING SPECIAL ARRANGE-MENT AND TYPES (81)						■				■	■	■			■			■		■	■	■	■	■	■				■
HOSTEL-LIVING QUARTERS (OTHER) (79)																								S	S				■
HOTEL OR MOTEL (80)															■		■	■		■	■	■	■	■	■	■			■
7-103	**ACCESSORY AND INCIDENTIAL USES**																												
ACCESSORY BUILDING OR USE (RESIDENTIAL) (5)	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■	■	■	■	■			■
ACCESSORY BUILDING OR USE USE(BUSINESS OR INDUSTRY (4)																	■	■	■	■	■	■	■	■	■	■	■	■	■
BEAUTY SHOP - ONE CHAIR ACCESSORY USE (23)		S	S	S	S	S	S	S	S	S	S	S	S	S	■		■	■	■	■	■	■	■	■	■	■			■
GARAGE OR ESTATE SALE ACCESSORY USE (67)	■	■	■	■	■	■	■	■	■	■	■	■					■	■	■	■	■	■	■	■	■	■			■
HOME OCCUPATION (34)	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■	■	■	■	■			■

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D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE - 1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE - 3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
OFF-STREET PARKING REQUIRED FOR PRIMARY USE (116)																												
OFF-STREET PARKING EXCESS TO MINIMUM REQUIREMENT (115)																												
STABLE, PRIVATE (157)		S	S	S	S	S	S	S	S				S															S
SWIMMING POOL PRIVATE (167)																												
TEMPORARY FIELD OFFICE, CONSTRUCTION YARD OR OFFICE (170)	SUBJECT TO TEMPORARY PERMIT ISSUED BY BUILDING OFFICIAL																											
7-104	**UTILITY AND SERVICE USES**																											
ELECTRICAL ENERGY GENERATING PLANT	S																			S	S	S	S					S
ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)		S	S	S	S	S	S	S	S	S	S	S	S	S	S													S
ELECTRICAL TRANSMISSION LINE (HIGH VOLTAGE)		S	S	S	S	S	S	S	S	S	S	S	S	S	S													S
FIRE STATION OR SIMILAR PUBLIC SAFETY BUILDING																												
GAS LINE AND/OR REGULATING STATION																												
LIBRARY, PUBLIC		S	S	S	S	S	S	S	S	S	S		S	S														S
LOCAL UTILITY LINE (91)																												
MUNICIPAL OFFICE BUILDING OR CITY HALL (107)		S	S	S	S	S	S	S	S	S	S	S	S	S														S
PUBLIC BUILDING, SHOP OR YARD OF LOCAL, STATE OR FEDERAL AGENCY (133)	S																											S
WIRELESS COMMUNICATIONS SYSTEMS (134)																	S	S	S	S								
RADIO OR TELEVISION TRANSMITTING STATION	S																											S
SEWAGE PUMPING STATION																												
SEWAGE TREATMENT PLANT	S														S										S	S		S

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DISTRICTS

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE - 1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE - 3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
STORM WATER RETENTION BASIN OR PUMPING STATION (162)																												
TELEPHONE BUSINESS OFFICE																												
TELEPHONE EXCHANGE - SWITCHING, RELAY OR TRANSMITTING STATION ONLY (169)																												
UTILITY SHOPS, STORAGE YARDS OR BUILDING (PRIVATE) (179)															S													
WATER RESERVOIR, WATER WELL OR PUMPING STATION																												
WATER STAND PIPE AND ELEVATED STORAGE TANK																												
WATER TREATMENT PLANT	S														S	S	S											S
WIND ENERGY CONVERSION CENTER (182)																												
7 - 105	RECREATIONAL AND ENTERTAINMENT USES																											
SEXUALLY ORIENTED BUSINESSES (150-A)																												
AMUSEMENT, COMMERCIAL (INDOOR) (10)																												S
AMUSEMENT, COMMERCIAL (OUTDOOR) (11)																												
CARNIVAL OR CIRCUS (TEMPORARY)																												
COUNTRY CLUB (PRIVATE) (50)			S	S	S	S	S	S	S	S	S	S	S	S	S													
DANCE HALL OR NIGHT CLUB (54)																				S	S							S
FIRE ARMS RANGE (62)	S														S											S	S	S
GOLF COURSE (COMMERCIAL) (70)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S					S
PARK OR PLAYGROUND (PUBLIC) (120)																												
PARK OR PLAYGROUND (OTHER THAN PUBLIC) (121)		S	S	S	S	S	S	S	S	S	S	S	S	S			S											
PLAYFIELD OR STADIUM (PUBLIC) (130)		S	S	S	S	S	S	S	S	S	S	S	S	S														S

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D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE - 1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE - 3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
PRIVATE CLUB (131)											S	S			S		S	S		S	S							S
RODEO GROUNDS	S																											
ROLLER OR ICE SKATING RINK	S																			S	S							
SWIM OR TENNIS CLUB (165)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S									S
SWIMMING POOL OR TENNIS COMPLEX (COMMERCIAL) (166)																	S	S		S	S							S
TAVERN OR LOUNGE (168)																				S	S							
THEATER OR PLAYHOUSE (INDOOR) (172)																												
THEATER, DRIVE-IN (OUTDOOR) (171)	S																											
ZOO (PUBLIC) (189)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S													
ZOO (PRIVATE) (188)	S																											
7-106	**EDUCATIONAL, INSTITUTIONAL & SPECIAL USES**																											
ART GALLERY OR MUSEUM (18)																												
CEMETERY OR MAUSOLEUM	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S
CHURCH OR RECTORY (40)																												
COLLEGE OR UNIVERSITY (47)		S	S	S	S	S	S	S	S	S																		
COMMUNITY CENTER (PUBLIC) (48)																												
CONVENT OR MONASTERY	S	S	S	S	S	S	S	S	S	S			S	S														
DAY CARE CENTER (53)																												
DETENTION HALFWAY HOUSE (56)																								S	S	S	S	
FAIRGROUNDS OR EXHIBITION AREA	S																											

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D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE - 1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE - 3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
FRATERNAL CLUB OR LODGE	S											S					S											
HOME FOR SENIOR CITIZENS OR NURSING HOME (75)	S					S	S	S	S	S	S																	
HOSPITAL, ACUTE CARE (77)	S			S	S	S	S	S	S	S	S																	
HOSPITAL, CHRONIC CARE (78)	S			S	S	S	S	S	S	S	S				S													
INSTITUTION OR CENTER FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS	S														S													S
INSTITUTION OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE	S	S	S	S	S	S	S	S	S	S	S	S	S	S														S
INSTITUTIONAL OUT-PATIENT MEDICAL CLINIC																												
JAIL OR PRISON FACILITY (83)																										S	S	S
KINDERGARDEN OR NURSERY SCHOOL (85)	S	S	S	S	S	S	S	S	S	S	S	S	S	S														
SCHOOL, BUSINESS (148)																												
SCHOOL, PUBLIC OR DENOMINATIONAL (149)																												
SCHOOL, TRADE, TECHNICAL OR COMMERCIAL (150)																												
7 - 107	**AUTOMOTIVE & TRANSPORTATION RELATED USES**																											
AIRPORT OR LANDING FIELD (8)	S														S													S
AUTO GLASS, SEAT COVER OR MUFFLER SHOP (21)																												
AUTO LAUNDRY OR CAR WASH																												
AUTO PAINTING AND BODY REBUILDING SHOP																								S				
AUTO PARTS AND ACCES-SORY SALES (INDOOR)																												
AUTO STORAGE OR AUTO AUCTION																												
BICYCLE SALES AND SERVICE (24)																												

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D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE - 1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE - 3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
BOAT SALES OR DISPLAY																												
GASOLINE SALES (69)																												
GASOLINE OR MOTOR FUEL SERVICE STATION (68)																												
HELIPORT (73)	S														S	S	S	S			S	S	S	S				S
HELISTOP (74)	S										S	S	S	S	S	S	S	S	S	S	S	S	S					S
MOTORCYCLE OR SCOOTER SALES OR SERVICE																												
MOTOR FREIGHT TERMINAL																												
NEW AUTO DISPLAY AND SALES (INDOOR) (108)																												
NEW OR USED AUTO SALES (OUTDOOR LOT) (109)																												
PARKING LOT OR STRUCTURE COMMERCIAL (PRIMARY USE) (122)																	S			S	S							
PARKING LOT OR STRUCTURE NON-COMMERCIAL (123)																												
PARKING LOT, TRUCKS AND TRAILERS (124)																												
RAILROAD FREIGHT TERMINAL																												
RAILROAD PASSENGER STATION																												
RAILROAD TEAM TRACK (135)																												
RAILROAD TRACK OR RIGHT-OF-WAY (136)																												
RAILROAD YARD OR ROUNDHOUSE																												
REPAIR GARAGE																				S	S							
TIRE RETREADING OR CAPPING																								S				

DISTRICTS

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE -1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE -3	SPD SPECIAL DEWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICIAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGIT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGIT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
TRUCK OR TRAILER RENTAL (177)																						■	■	■	■	■	■	
7-108	RETAIL AND SERVICE TYPE USES																											
RESERVED																												
ANTIQUE SHOP (13)																			■	■	■	■	■	■	■	■	■	■
ART SUPPLY STORE															■				■	■	■	■	■	■	■	■	■	■
BAKERY OR CONFECTIONERY SHOP (RETAIL)																			■	■	■	■	■	■	■	■	■	■
BANK OR SAVINGS AND LOAN OFFICE																	■	■	■	■	■	■	■	■	■	■	■	■
BOOK OR STATIONERY SHOP																	■	■	■	■	■	■	■	■	■	■	■	■
CLEANING AND PRESSING, SMALL SHOP AND PICK-UP (44)																			■	■	■	■	■	■	■	■	■	■
CLEANING PLANT (COMMERCIAL) (43)																								S				
CLINIC, MEDICAL OR DENTAL																	■	■	■	■	■	■	■	■	■	■	■	■
CUSTOM PERSONAL SERVICE SHOP (52)																	S	■	■	■	■	■	■	■	■	■	■	■
DEPARTMENT, VARIETY OR DISCOUNT STORE																				■	■	■	■	■	■	■	■	■
DRAPERY, NEEDLEWORK, FABRIC OR WEAVING SHOP																			■	■	■	■	■	■	■	■	■	■
DRUG STORE OR PHARMACY																		■	■	■	■	■	■	■	■	■	■	■
FLORIST OR GARDEN SHOP																		■	■	■	■	■	■	■	■	■	■	■
FOOD AND BEVERAGE SALES																			■	■	■	■	■	■	■	■	■	■
FURNITURE OR APPLIANCE STORE																				■	■	■	■	■	■	■	■	■
GREENHOUSE OR PLANT NURSERY (RETAIL SALES) (71)																			■	■	■	■	■	■	■	■	■	■

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DISTRICTS

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE -1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE -3	SPD SPECIAL DEWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
HARDWARE STORE																											
HOUSEHOLD APPLIANCE SERVICE OR REPAIR																											
INCIDENTAL OR ACCESSORY RETAIL OR SERVICE USE (82)																											
KEY SHOP																											
LABORATORY, MEDICAL OR DENTAL																			S								
LAUNDRY AND CLEANING SHOP (SELF-SERVICE) (86)																											
MEDICAL APPLIANCES AND FITTING, SALES OR RENTAL																											
MORTUARY OR FUNERAL HOME																											
OFFICE, GENERAL BUSINESS OR PROFESSIONAL																											
PAWN SHOP																											
PET GROOMING																											
PET SHOP																											
REPROGRAPHIC SERVICE (138)																											
RESTAURANT OR CAFETERIA (NOT DRIVE-IN) (WITH DINING ROOM) (141)																	S										
RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) (142)																											
RETAIL SHOP, APPAREL, GIFTS, ACCESSORIES AND SIMILAR ITEMS (143)																											
RETAIL SHOP OR STORE (GENERAL ITEMS)																											
RETAIL OR SERVICE USE, MISCELLANEOUS (144)																											
SALES, OUTDOOR TEMPORARY (146)																											
STUDIO-DECORATOR, ARTIST OR PHOTOGRAPHER																			S								
STUDIO, HEALTH, EXERCISE AND REDUCING																											

D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE -1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE -3	SPD SPECIAL DEWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE IIOME ESTATE	MH MOBILE IIOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICIAL CENTER	NS NEIGIIBORIIOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGIIT COMMERCIAL	HC IIEAVY COMMERCIAL	LI LIGIIT INDUSTRY	HI IIEAVY INDUSTRY	PD PLANNED DEVELOPMENT
STUDIO-MUSIC, DANCE OR DRAMA																	■	■	■	■	■	■	■	■	■	■	■	■
TOOL RENTAL, DOMESTIC, SMALL EQUIPMENT (175)																				■	■	■	■	■	■	■	■	■
TRAVEL BUREAU OR TRAVEL CONSULTANT																	■	■	■	■	■	■	■	■	■	■	■	■
VETERINARIAN HOSPITAL (INDOOR ANIMAL PENS)																				■	■	■	■	■	■	■	■	■
VETERINARIAN HOSPITAL (OUTDOOR ANIMAL PENS)																						■		■	■	■	■	■
VETERINARIAN OFFICE ONLY (NO ANIMAL PENS)																	■	■		■	■	■	■	■	■	■	■	■
7-109	**SIGN AND IDENTIFICATION USES** SEE SECTION 12-101 (PGS. 63-67)																											
ADVERTISING SIGN (BILLBOARD OR BULLETIN)																									■	■	■	■
APARTMENT OR HOUSING PROJECT IDENTIFICATION SIGN						■			■	■	■	■			■		■	■		■	■	■	■	■	■	■		■
APARTMENT OR HOUSING PROJECT INFORMATIONAL SIGN						■			■	■	■	■			■		■	■		■	■	■	■	■	■	■		■
CONSTRUCTION SIGN TEMPORARY	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
DEVELOPMENT SIGN TEMPORARY	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
GENERAL BUSINESS SIGN																■	■	■	■	■	■	■	■	■	■	■	■	■
INSTITUTIONAL IDENTIFICATION SIGN	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■	■	■	■	■	■	■
INSTITUTIONAL INFORMATION SIGN	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■	■	■	■	■	■	■
NAME PLATE	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
OFFICE IDENTIFICATION SIGN																	■	■	■	■	■	■	■	■	■	■	■	■
REAL ESTATE SIGN (TEMPORARY)	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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DISTRICTS

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE -1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE -3	SPD SPECIAL DEWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICIAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
7-110	COMMERCIAL TYPE USES																											
BAKERY OR CONFECTIONERY PLANT (WHOLESALE)																												
BOTTLING WORKS																												
BUILDING MATERIAL SALES (OUTDOOR OR OPEN SHED STORAGE) (35)																												
BUILDING MATERIAL AND HOME SUPPLY SALES (INDOOR STORAGE) (34)																												
CABINET AND UPHOLSTERY SHOP																												
CLOTHING OR SIMILAR LIGHT MANUFACTURING (46)																												
CONTRACTOR STORAGE OR EQUIPMENT YARD																												
HEAVY MACHINERY SALES, STORAGE OR REPAIR																												
LABORATORY MANUFACTURING																												
LABORATORY, SCIENTIFIC OR RESEARCH																												
LITHOGRAPHIC SHOP OR COMMERCIAL PRINTER (88)																												
MAINTENANCE AND REPAIR SERVICE FOR BUILDINGS (101)																												
MILK DEPOT, DAIRY OR ICE CREAM PLANT																												
MINI-WAREHOUSE (102)														S						S	S							
OILFIELD EQUIPMENT RENTAL AND STORAGE YARD (117)																												
OPEN STORAGE OF FURNITURE, APPLIANCES OR EQUIPMENT																												
PAINT SHOP																												
PLUMBING SHOP																												

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DISTRICTS

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE -1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE -3	SPD SPECIAL DEWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICIAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
PIPE OR OIL FIELD EQUIPMENT REPAIR YARD (128)																												
SALES SPACE CONTRACTING (147)																									S	S	S	S	
STORAGE WAREHOUSE																													
TRAILER OR MOBILE HOME SALES OR RENTAL														S														
WELDING OR MACHINE SHOP																													
WHOLESALE STORAGE AND SALES																													
7-111	AGRICULTURAL TYPE USES																												
ANIMAL FEED LOT (12)	S																											S	
ANIMAL POUND (PUBLIC OR PRIVATE)	S																								S				
FARM, GARDEN OR ORCHARD (61)																													
GREENHOUSE OR NURSERY (COMMERCIAL)																													
HATCHERY, POULTRY	S																								S				
KENNEL (84)	S																												
LIVESTOCK AUCTION (89)	S																												
7-112	NATURAL RESOURCE STORAGE AND EXTRACTION																												
CALICHE PIT AND CALICHE STORAGE	S																								S	S	S		
MINING AND STORAGE OF MINING WASTE	S																										S		
PETROLEUM OR GAS WELL (127)	PERMITTED IN ANY DISTRICT CARRYING "DR" SUFFIX SUBJECT TO OIL AND GAS ORDINANCE																												
PETROLEUM STORAGE AND COLLECTING FACILITIES	S																								S				S
SAND OR GRAVEL EXTRACTION OR STORAGE	S																								S				

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DISTRICTS

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE -1	SF-2 SINGLE FAMILY RESIDENCE - 2	SF-3 SINGLE FAMILY RESIDENCE -3	SPD SPECIAL DEWELLING	2F-1 TWO FAMILY RESIDENCE - 1	2F-2 TWO FAMILY RESIDENCE - 2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE - 1	MF-2 MULTIPLE FAMILY RESIDENCE - 2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICIAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL - 1	CB-1 CENTRAL BUSINESS - 1	CB-2 CENTRAL BUSINESS - 2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
TOP SOIL, EARTH, CLAY OR STONE EXTRACTION OR STORAGE	S																							S				
7-113	SPECIAL INDUSTRIAL PROCESSES																											
ASPHALT OR CONCRETE BATCHING PLANT (PERMANENT) (19)																								S				
ASPHALT OR CONCRETE BATCHING PLANT (TEMPORARY) (20)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
CEMENT OR HYDRATED LIME PLANT	S																									S		
OPEN SALVAGE YARD FOR VEHICLES, MACHINERY OR MATERIALS (118)																									S	S		
SLAUGHTER HOUSE OR MEAT PACKING PLANT																										S		
SMELTER, REFINERY OR CHEMICAL PLANT																												
SOLID WASTE DUMP OR SANITARY LAND FILL	S																								S	S		
7-114	GENERAL MANUFACTURING AND INDUSTRIAL USES																											
LIGHT MANUFACTURING OR INDUSTRIAL USES AS DEFINED BY SECTION 7-300 THRU 7-309																												
HEAVY MANUFACTURING OR INDUSTRIAL USES AS DEFINED BY SECTION 7-400 THRU 7-408																												

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7-200 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to located in the City of Odessa. 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 shall be made as follows:

1. The Building Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

2. 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 should be permitted.

3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall, by amendment, approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is considered appropriate to classify the use in question.

7-300 PERFORMANCE STANDARDS

ALL USES IN THE "LI" OR "PD-I" INDUSTRIAL DISTRICTS OR IN ANY DISTRICT EXCEPT THE "HI" DISTRICT SHALL CONFORM IN OPERATION, LOCATION AND CONSTRUCTION TO THE PERFORMANCE STANDARDS HEREIN SPECIFIED FOR NOISE, ODOROUS MATTER, TOXIC AND NOXIOUS MATTER, GLARE, SMOKE, PARTICULATE MATTER AND OTHER AIR CONTAMINANTS, FIRE AND EXPLOSIVE OR HAZARDOUS MATTER, VIBRATION, OPEN STORAGE AND GLARE.

7-301 PERFORMANCE STANDARDS "LI" AND "PD-I" INDUSTRIAL DISTRICTS

7-302 Noise. At no point at the bounding property line of any use in the "LI" or "PD-I" Industrial Districts shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

1. MAXIMUM PERMISSIBLE DAYTIME* OCTAVE BAND - DECIBEL LIMITS AT THE BOUNDING PROPERTY LINE** IN AN "LI" OR "PD-I" (INDUSTRIAL OR PLANNED DEVELOPMENT INDUSTRIAL DISTRICT) OR ANY DISTRICT EXCEPT THE "HI" DISTRICT. SOUND LEVELS MAY BE MEASURED IN FREQUENCY BANDS AS SHOWN BY TABLE "A" OR TABLE "B" FOLLOWING:

Table "A" PREFERRED FREQUENCIES

CENTER FREQUENCY, CYCLES PER SECOND	MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS
31.5	76
63.0	74
125.0	68
250.0	63
500.0	57
1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

Table "B" OCTAVE BAND FREQUENCIES

OCTAVE BAND CYCLES PER SECOND	MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS
20 - 75	75
75 - 150	70
150 - 300	64
300 - 600	59
600 - 1,200	53
1,200 - 2,400	47
2,400 - 4,800	40
4,800 - 10KC	34

* Daytime shall refer to the hours between sunrise and sunset on any given day.

** Bounding Property Line for noise enforcement shall be interpreted as being at the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

2. THE FOLLOWING CORRECTIONS SHALL BE MADE TO THE TABLE OF PREFERRED FREQUENCIES (A) OR OCTAVE BAND - DECIBEL LIMITS (B) IN DETERMINING COMPLIANCE WITH THE NOISE LEVEL STANDARDS IN ANY DISTRICT:

TYPE OF OPERATION OR CHARACTER OF NOISE	CORRECTION IN DECIBELS
Noise source operates less than 20% of any one hour period	Plus 5*
Noise source operates less than 5% of any one hour period	Plus 10*
Noise source operates less than 1% of any one hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

* Apply one correction only.

3. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed. The flat network and fast meter response of the sound level meter shall be used. Sounds of short duration which cannot be accurately measured with the sound level meter shall be measured with the impact analyzer.

Octave band analyzer calibrated in the Preferred Frequencies (American Standards Association SI-6-1960, Preferred Frequencies for Acoustical Measurement) shall be used with Table "A". Oc-Z-24-1953, Octave Filter Set) shall be used with Table "B".

4. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.

   a. Noises not directly under control of the property user.

   b. Noises emanating from construction and maintenance activities between the hours of 7:00 A.M. and 7:00 P.M. (Daylight hours.)

   c. Noises of safety signals, warning devices and emergency pressure relief valves.

   d. Transient noise of moving sources such as automobiles, trucks and airplanes.

7-303 Smoke and Particulate Matter. NO OPERATION OR USE IN AN "LI" OR "PD-I" INDUSTRIAL DISTRICT OR ANY DISTRICT EXCEPT THE "HI" DISTRICT SHALL CAUSE, CREATE OR ALLOW THE EMISSION FOR MORE THAN THREE MINUTES IN ANY ONE HOUR OF AIR CONTAMINANTS WHICH AT THE EMISSION POINT OR WITHIN THE PROPERTY ARE:

1. In excess of the levels specified for industrial or similar uses by The Texas Air Control Board Regulations for the control of air pollution in the Odessa area as currently published or as later amended.

2. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

7-304 Odorous Matter

1. No use shall be located or operated in an "LI" or "PD-I" Industrial District or in any District except the "HI" District which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which

such use or operation is located.

2. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, entitled Standard Method for Measurement of Odor in Atmospheres shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

7-305 Fire and Explosive Hazard Material

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in an "LI" or "PD-I" Industrial District or any other District except the "HI" District except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Department of the City of Odessa as not presenting a fire or explosion hazard.

2. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Ordinances of the City of Odessa pertaining to fire prevention.

7-306 Toxic and Noxious Matter. No operation or use permitted in an "LI" or "PD-I" Industrial District or in any District except the "HI" District shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and is on file in the office of the Building Official of the City of Odessa.

7-307 Vibration. No operation or use in an "LI" or "PD-I" Industrial District or in any District shall at any time create earthborn vibration which, when measured at the bounding property line of the source of operation, exceed the limit of displacement set forth in the following table in the frequency ranges specified.

FREQUENCY CYCLES PER SECOND	DISPLACEMENT IN INCHES
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 and Over	.0003

7-308 Glare. No use or operation in the "LI" or "PD-I" Industrial District or in any District shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

7-309 Open Storage. No open storage of materials or commodities shall be permitted in the "LI" District except as an accessory use to a main use. No open storage operation shall be located in front of the main building and no storage use in the "LI" or "PD-I" Industrial District shall constitute a wrecking, junk, or salvage yard except when approved by a Specific Use Permit as herein provided.

7-400 PERFORMANCE STANDARDS "HI" DISTRICT

Noise. At no point at the bounding property line of any use in the "HI" District shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

1. MAXIMUM PERMISSIBLE DAYTIME* OCTAVE BAND - DECIBEL LIMITS AT THE BOUNDING PROPERTY LINE** IN AN "HI" (INDUSTRIAL) DISTRICT. SOUND LEVELS MAY BE MEASURED IN FREQUENCY BANDS AS SHOWN BY TABLE "A" OR TABLE "B" FOLLOWING:

Table "A" PREFERRED FREQUENCIES

CENTER FREQUENCY, CYCLES PER SECOND	MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS
31.5	78
63.0	76
125.0	72
250.0	66

500.0	60
1,000.0	55
2,000.0	50
4,000.0	44
8,000.0	38

Table "B" OCTAVE BAND FREQUENCIES

OCTAVE BAND CYCLES PER SECOND	MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS
20 - 75	80
75 - 150	74
150 - 300	70
300 - 600	65
600 - 1,200	60
1,200 - 2,400	57
2,400 - 4,800	54
4,800 - 10KC	50

* Daytime shall refer to the hours between sunrise and sunset on any given day.

** Bounding Property Line for noise enforcement shall be interpreted as being at the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

2. THE FOLLOWING CORRECTIONS SHALL BE MADE TO THE TABLE OF PREFERRED FREQUENCIES (A) OR OCTAVE BAND - DECIBEL LIMITS (B) IN DETERMINING COMPLIANCE WITH THE NOISE LEVEL STANDARDS IN ANY DISTRICT:

TYPE OF OPERATION OR CHARACTER OF NOISE	CORRECTION IN DECIBELS
Noise source operates less than 20% of any one hour period	Plus 5*

Noise source operates less than 5% of any one hour period	Plus 10*
Noise source operates less than 1% of any one hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

* Apply one correction only.

3. For the purpose of measuring the intensity and frequency of sound, the south level meter, the octave band analyzer and the impact noise analyzer shall be employed. The flat network and fast meter response of the sound level meter shall be used. Sounds of short duration which cannot be accurately measured with the sound level meter shall be measured with the impact analyzer.

   Octave band analyzer calibrated in the Preferred Frequencies (American Standards Association SI-6-1960, Preferred Frequencies for Acoustical Measurement) shall be sued with Table "A". Octave Bank Analyzers calibrated with pre-1960 octave bands (American Standards Association Z-24-1953, Octave Filter Set) shall be used with Table "B".

4. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.

   a. Noises not directly under control of the property user.

   b. Noises emanating from construction and maintenance activities between the hours of 7:00 A.M. and 7:00 P.M. (Daylight hours.)

   c. Noises of safety signals, warning devices and emergency pressure relief valves.

   d. Transient noise of moving sources such as automobiles, trucks and airplanes.

7-402 Smoke and Particulate Matter. NO OPERATION OR USE IN AN "HI" INDUSTRIAL DISTRICT OR ANY DISTRICT SHALL CAUSE, CREATE OR ALLOW THE EMISSION FOR MORE THAN THREE MINUTES IN ANY ONE HOUR OF AIR CONTAMINANTS WHICH AT THE EMISSION POINT OR WITHIN THE PROPERTY ARE:

1. In excess of the levels specified for industrial or similar uses by The Texas Air Control Board Regulations for the control of air pollution in the Odessa area as currently published or later amended.

2. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

7-403 Odorous Matter

1. No use shall be located or operated in an "HI" Industrial District which involves the emission of odorous matter from a source of operation where the odorous matter exceeds a concentration at the bounding property line or any point beyond the tract on which such use or operation is located which when diluted with an equal volume of odor free air exceeds the odor threshold (2 odor units).

2. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57 entitled Standard Method for Measurement of Odor in Atmospheres shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

7-404 Fire and Explosive Hazard Material

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in an "HI" Industrial District except when the methods of storage or manufacture are approved by the Fire Department of the City of Odessa as not presenting a fire or explosive hazard to adjacent property.

2. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Ordinances of the City of Odessa pertaining to fire prevention.

7-405 Toxic and Noxious Matter. No operation or use permitted in an "HI" Industrial District or in any District shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by The Texas State Department of Healath in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and is on file in the office of the Building Official of the City of Odessa.

7-406 Vibration. No operation or use in an "HI" Industrial District or any District shall at any time create earthborn vibration which, when measured at the bounding property line of the source of operation, exceed the limit of displacement set forth in the following table in the frequency ranges specified.

FREQUENCY CYCLES PER SECOND	DISPLACEMENT IN INCHES
0 to 10	.0020
10 to 20	.0016
20 to 30	.0010
30 to 40	.0006
40 and Over	.0005

7-407 Glare. No use or operation in the "HI" Industrial District or in any District shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

7-408 Open Storage. Open storage of material and commodities is permitted in the "HI" Industrial District except that no such operation shall extend into the public right-of-way of any street or alley.

7-500 PD, PLANNED DEVELOPMENT DISTRICT

7-501 The City Council of the City of Odessa, Texas, after public hearing as prescribed for amendment to the Zoning Ordinance and after recommendation by the Planning and Zoning Commission, may authorize the creation of the following types of Planned Development Districts:

1. Commercial Center

2. Community Center, Civic Center or Arts Center

3. Housing Development Including Special Housing Types

4. Industrial Park or District

5. Medical Center or Hospital

6. Office Development

7. Recreation Center

8. Retail Shopping Center

9. A combination of any of the specific uses listed as permitted in a "PD" Planned Development District by the Use Charts 7-102 through 7-114 when such uses are specified in the amending ordinance.

10. Transition Districts as an extension of an existing district whereby the provision of physical arrangements which may include screening walls, open space, off-street parking, landscaping or building location and orientation that will provide a protective transition between a lesser restrictive and a more restrictive district.

7-502 All "PD" Planned Development Districts approved in accordance with the provisions of this ordinance shall follow the procedure for and be considered as an amendment to this Ordinance applicable to the property involved. The amending ordinance shall be based upon a Site Plan which may be submitted with the initial application or at a future date prior to the start of any construction, grading or alteration on the property. A Site Plan which complies with the conditions set forth in the amending ordinance and which is approved by the Planning and Zoning Commission and accepted by the City Council shall be required prior to the issuance of a Building Permit on any portion of a "PD" Planned Development District, except that a single-family detached residence may be constructed on a platted "lot of record" located within a "PD" Planned Development District prior to the approval of a Site Plan by compliance with the normal requirements for a Building Permit and the obtaining of such Permit.

7-503 The required Site Plan and Ordinance shall set forth the requirements for street right-of-way, drainage, utilities, sidewalks, screening requirements, ingress and egress to the property and shall comply with the area standards

specified for the specific types of uses proposed as set forth in the area standards for a "PD" Planned Development District in Sections 8-100 through 8-101 or with such more restrictive area standards as are set forth in the amending ordinance and with the Height and Vehicle Parking Regulations as set forth in Sections 9-100 through 10-104 or with such more restrictive height and parking regulations as are set forth in the amending ordinance.

7-504 All "PD" Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form or by subsequent amendments thereto shall be referenced on the Zoning District Map and a list of such "PD" Planned Development Districts together with the category of uses permitted therein shall be maintained in the appendix of this Ordinance.

7-505 In approving a "PD" Planned Development District, the City Council shall impose conditions relative to the standards of development as such conditions are set forth in the amending ordinance and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of either land or buildings in the "PD" Planned Development District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

7-600 SPECIFIC USE PERMITS

THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AFTER PUBLIC HEARING (AS PRESCRIBED FOR AMENDMENTS TO THE ZONING ORDINANCE) AND AFTER RECOMMENDATIONS BY THE PLANNING AND ZONING COMMISSION MAY AUTHORIZE THE ISSUANCE OF SPECIFIC USE PERMITS FOR THE USES INDICATED BY "S" IN THE USE SCHEDULE 7-102 THROUGH 7-114.

7-601 The Planning and Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance with this Ordinance, establish conditions of operation, time limit, location, arrangements and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.

7-602 The Specific Use Permit may be granted for definite periods of time after which the Planning and Zoning Commission may, in the public interest, inquire into the continuation of the Permit and based upon its findings recommend its discontinuance or the extension of the time period as set forth in the Ordinance establishing the Specific Use Permit.

7-603 All Specific Use Permits approved in accordance with the provisions of this Ordinance in its original form or as hereafter amended shall be referenced on the Zoning District Map and a list of such permits shall be maintained in the Appendix of this Ordinance.

7-700 SURFACE DRAINAGE PREFIX "SD" AND FLOOD HAZARD PREFIX "FH" TO DISTRICT DESIGNATION

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding, portions of certain districts are designated with an "SD" Surface Drainage or an "FH" Flood Hazard Prefix.

AREAS DESIGNATED ON THE ZONING DISTRICT MAP BY AN "SD" PREFIX SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

7-701 USES PERMITTED:

The permitted uses in that portion of any district having an "SD" Surface Drainage Prefix shall be limited to the following:

a. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry

b. Off-street parking incidental to any adjacent main use permitted in the district

c. Electrical sub-station

d. All types of local utilities including those requiring Specific Use Permits when approved as provided in Section 7-600

e. Parks, community centers, playgrounds, public golf courses

f. Private commercial open area amusements such as golf courses, driving ranges, archery ranges and similar uses when approved by Specific Use Permit as provided in Section 7-600

g. Private open space as part of a Planned Development District or Housing Project

h. Heliport when approved by Specific Use Permit as provided in Section 7-600.

7-702 No building or structure shall be erected in that portion of any district designated with an "SD" Surface Drainage Prefix until, and unless, such building or structure has been approved by the City of Odessa on the basis that such building or structure is not subject to damage by flooding and would not constitute an encroachment hazard or obstacle to the movement of flood waters and would not increase the water level in any retention basin and that such construction would not endanger the value and safety of other property or the public health and welfare.

7-703 Any dump, excavation, storage, filling or mining operation within that portion of a district having an "SD" Surface Drainage Prefix shall be approved by the City of Odessa before such operation is begun.

7-704 An area may be added or removed from the "SD" Surface Drainage Prefix designation when by the provision of drainage works, grading, flood protection or specific drainage study it is determined that a flood hazard exists or has been alleviated. Removal of or addition of the "SD" Surface Drainage Prefix shall be accomplished by an amendment to the Zoning District Map.

AREAS DESIGNATED ON THE ZONING DISTRICT MAP BY AN "FH" FLOOD HAZARD PREFIX SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

7-705 USES PERMITTED:

The permitted uses in that portion of any district having an "FH" Flood hazard Prefix shall be the same as the uses permitted in the basic district to which the Prefix is attached.

7-706 Any building or structure which has a first floor that is a habitable floor erected in that portion of any district designated with an "FH" Flood Hazard prefix shall be designed and constructed to place the first floor elevation a minimum of one (1) foot above the 100 year frequency flood elevation as such elevation is determined by the City Engineer. A "habitable floor" is defined as any floor useable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes is not a "habitable floor". (Amended by Ordinance No. 80-76)

7-707 No filling or grade alteration within that portion of a district having an "FH" Flood Hazard Prefix shall be permitted except by specific approval of the City of Odessa.

7-708 An area may be added or removed from the "FH" Flood Hazard Prefix designation when, by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the City of Odessa that the flood hazard has been eliminated or no longer exists. Removal of any area from the Flood Hazard Prefix shall be accomplished by an amendment to the Zoning District Map.

7-709 The fact that land is, or is not, within a district having an "SD" Surface Drainage Prefix or an "FH" Flood Hazard Prefix shall not be interpreted as assurance that such land or area is, or is not, subject to periodic local flooding.

7-800 DRILL RESERVATION SUFFIX TO DISTRICT DESIGNATION

To provide for the possible development or joint use of areas which are designated on subdivision plats or are in the property records of Ector County as officially approved Drill Reservation Sites by the City of Odessa and to promote the general welfare and provide for the orderly development of the City, portions of certain districts are designated with a "DR" Drill Reservation Suffix.
AREAS DESIGNATED ON THE ZONING DISTRICT MAP BY A "DR" SUFFIX SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

7-801 The development of any mineral interests in any Drill Reservation Site shall be subject to the provisions of the Oil and Gas Ordinance, Chapter 11, of the Code of Ordinances of the City of Odessa.

7-802 The development of any surface use on any Drill Reservation Site shall be subject to the provisions of the basic zoning district regulations as such districts are shown by the Zoning District Map and to the platting and subdivision regulations of the City of Odessa.

7-803 No area which has not been approved as a Drill Reservation Site by the City of Odessa shall be subject to designation by a "DR" Drill Reservation Suffix as herein provided.

7-804 The coordination of the surface right interest with the subsurface mineral rights interest in any area covered by a "DR" Drill Reservation Suffix shall be the responsibility of the parties owning such rights and will not be, in any manner, the responsibility of the City of Odessa except where the City may be the owner of either the surface right interest or the mineral rights interest.

7-900-7-906 RESERVED

7-907 DETENTION HALFWAY HOUSE REGULATIONS

A Detention Halfway House as defined herein must meet the following conditions before a specific use permit can be granted for a particular location:

1. There must exist a one mile separation between the Detention Halfway House and any other Detention Halfway House.

2. There must exist a 500 foot separation between the Detention Halfway House and any single family dwelling - attached or detached, two-family dwellings, three or four family dwelling, multiple-family dwelling or residence home for the elderly which is located in compliance with the zoning ordinance and is either occupied or safe for occupancy as determined by the Building Official for the City.

3. There must exist a 500 foot separation between the Detention Halfway House and the boundary line of any Residential District.

4. All distances are to be measured from property line to property line.

7-908 JAIL OR PRISON FACILITY

A Jail or Prison Facility as defined herein must meet the following condition before a specific use permit can be granted for a particular location:

There must exist a 420 foot separation between the Jail or Prison Facility and any single family dwelling - attached or detached, two-family dwelling, three or four family dwelling, multiple-family dwelling or residence home for the elderly which is located in compliance with the zoning ordinance and is either occupied or safe for occupancy as determined by the Building Official for the City.

7-909 HISTORICAL PRESERVATION REGULATIONS (Purpose)

The City Council of Odessa hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Odessa represents the unique confluence of the time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

1. protect and enhance the landmarks and districts which represent distinctive elements of City of Odessa's historic, architectural, and cultural heritage;

2. foster civic pride in the accomplishments of the past;

3. protect and enhance City of Odessa's attractiveness to visitors and the support and stimulus to the economy thereby provided;

4. insure the harmonious, orderly, and efficient growth and development of the city;

5. promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city;

6. encourage stabilization, restoration, and improvements of such properties and; their values.

7-910 DEFINITIONS

The words used in this Historic Landmark and District Zoning Ordinance shall have the following meaning:

1. Alteration - Any construction, reconstruction, or change of the exterior of an object, site, or structure. Alteration includes but is not limited to: changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, landscaping, sidewalks, driveways, or other ornamentation. For any structure designated as a landmark, this definition may include exterior paint.

2. Architectural Control - Regulations governing the appearance or architectural style of buildings or structures.

3. Building - A building, such as a house, barn, church, hotel, or similar construction is created to shelter any form of human activity. Building also may be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

4. Certificate of Appropriateness - A certificate issued by the Commission confirming that the Commission has approved an application to make changes in a landmark or historic district.

5. Commission - The City of Odessa Historic Preservation Commission.

6. Comprehensive Historic Preservation Plan - A document that integrates the various preservation activities and gives them coherence and direction, as well as relates the community's preservation efforts to community development planning as a whole.

7. Construction - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

8. Demolition - Any act or process that destroys, razes, or permanently impairs the exterior structural integrity in whole or in part of an object, site, or structure.

9. Design Review - The decision-making process conducted by an established review committee of a local government that is guided by the terms set in the historic preservation ordinance.

10. Design Review Guidelines - These are a set of guidelines adopted by the commission that details acceptable alterations of designated properties.

11. District - A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

12. Effect - A change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important or significant.

13. Effect, Adverse - A negative change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important or significant.

14. Enabling Legislation - State legislation that grants certain authority to local governments so that they may direct the development of their communities. Chapter 211, Municipal Zoning Authority, is the legislation that enables municipalities in Texas to zone and designate historic landmarks and districts as part of the comprehensive zoning plan.

15. Historic District - An area (excluding public right-of-way) which has a definable geographic boundary, having historical, cultural, or archaeological significance, and which may have within its boundaries other objects, sites, and structures, including accessory buildings, fences and other appurtenances, that, while not of such historical, cultural, architectural or archaeological significance to be designated a landmark, nevertheless contributes to the overall visual setting or character of the landmark(s) located within the District and is

designated or approved pursuant to the ordinance.

16. Historic Landmark - A landmark designated and approved pursuant to the ordinance.

17. Historic Property - A district, site, building, structure, or object significant in American History, architecture, engineering, archeology, or culture at the national, state, or local level and located within a designated historic district.

18. Historic Resource - This generally is the same as a historic property. It includes architectural, historical, and archeological properties as well as landscape features.

19. Intensive Survey - A systematic detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

20. Integrity - The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

21. Inventory - A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

22. Landmark - This refers to any individual building, structure, or object that is significant for historical, architectural, or archeological reasons.

23. Object - A material thing of functional, aesthetic, cultural, historical archaeological or scientific value that may be, by nature or design, movable, yet be related to a specific setting or environment.

24. Ordinary Maintenance - The process of cleaning (including stripping, but not including sand or water blasting), painting, replacing with like materials, duplicating original materials or stabilizing deteriorated or damaged architectural features (including roofing, windows, and columns) in order to maintain the Structure in compliance with the guidelines for the specific landmark or historic district.

25. Overlay Zones - A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

26. Preservation - The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

27. Preservation Planning - This refers to the planning for the continued identification and evaluation of historic properties and for their protection and enhancement.

28. Property, Contributing - Based on an approved survey, a resource in an historic district that contributes to the District's design, setting, materials, workmanship, feeling and association, and which shall be afforded the same consideration as Landmarks.

29. Reconstruction - The act or process of reassembling, reproducing, or replacing by new construction, the form, detail, and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of original materials.

30. Rehabilitation - The act or process of returning a property to a state of utility through repair or alteration.

31. Relocation - A change in the location of an object or structure from its original setting.

32. Resource - A source or collection of objects, sites, structures, or areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the nation, state, or City.

33. Restoration - The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of altered work or by the replacement of missing earlier work.

34. Site - A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

35. Special District - A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include historic preservation districts.

36. Structure - The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating shelter.

37. Zoning District Map - The official certified map upon which the boundaries of the various zoning districts, in the City of Odessa, are drawn.

7-911 HISTORIC PRESERVATION COMMISSION

There is hereby created a commission to be known as the City of Odessa Historic Preservation Commission.

1. The Commission shall consist of seven members to be appointed by the City Council who shall be residents of the community having a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Odessa and special consideration shall be given to include the following:

   (a) an architect, planner, or representative of a design profession,

   (b) a historian;

   (c) a licensed real estate broker;

   (d) an attorney;

   (e) an owner of a landmark or of a property in a historic district.

2. Commission members shall serve for a term of two years with the exception that the initial term of four members shall be two years, and three members shall be one year.

3. The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission.

4. The Commission shall be empowered to:

   (a) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the Commission.

   (b) Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be ratified by the City Council.

(c) Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Council.

(d) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.

(e) Recommend the designation of resources as landmarks and historic districts.

(f) Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this ordinance.

(g) Maintain written minutes which record all actions taken by the commission and the reasons for taking such actions.

(h) Recommend conferral of recognition upon the owners of landmarks or properties with districts by means of certificates, plaques, or markers.

(i) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

(j) Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.

(k) Approve or disapprove of applications for certificates of appropriateness pursuant to this act.

(l) Prepare and submit annually to the city council a report summarizing the work completed during the previous year.

(m) Prepare specific design guidelines for the review of landmarks and districts.

(n) Recommend the acquisition of a landmark structure by the city government where its preservation is essential to the purpose of this act and where private preservation is not feasible.

(o) Propose tax abatement program(s) for landmarks or districts.

(p) Accept on behalf of the city government the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Council.

5. The Commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chairman or on the written request of any two Commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

6. A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership.

7. The Historic Preservation Officer shall serve as an ex-officio member of the Commission.

7-912 APPOINTMENT OF HISTORIC PRESERVATION OFFICER

The City Manager shall appoint a person to serve as the historic preservation officer. This officer shall administer this ordinance and advise the commission on matters submitted to it.

In addition to serving as representative of the Commission, the officer is responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

7-913 DESIGNATION OF HISTORIC LANDMARKS

1. These provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive zoning plan of the City of Odessa. All provisions of the Zoning Ordinance, including applicable fees, shall apply unless specifically in conflict with the provisions contained in this ordinance.

2. Applications for designation of historic landmarks shall be filed by the owner or by the Historic Preservation Officer on behalf of the City in the office of the Director of Planning and Zoning for the City of Odessa if the property complies with the criteria for approval set forth in Section 7-915. Property owners of proposed historic landmarks shall be notified prior to the Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.

3. The proposed historic landmark, with a recommendation to approve or disapprove by the Commission, shall be submitted to the Zoning Commission within forty-five (45) days of its receipt of an application meeting all requirements as to form. The Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of its receipt of the application from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Odessa. The Zoning Commission shall make its recommendation to the City Council within forty-five (45) days of its receipt of the application from the Commission.

4. The City Council shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general Zoning Ordinance of the City of Odessa within forty-five (45) days of receipt of the application from the Zoning Commission.

5. Upon designation of a building, object, site or structure as a historic landmark, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Ector County, the tax records of the City of Odessa, and the Ector County Appraisal District as well as the Official Zoning Maps of the City of Odessa. All zoning maps should indicate the designated landmarks with an appropriate mark "HL". All designated landmarks shall also be numbered consecutively.

6. The ordinance to be adopted to approve the designation of a historic landmark shall describe its location, the nature of the alterations that require approval, including the principles or specific criteria by which alterations are to be determined as appropriate or not.

7. Once an application that meets all of the requirements for an application to designate an historic landmark or an historic district has been filed and notice provided to the owner, the property may not be destroyed or altered until the application has been approved by final action in the administrative process, or until the period required for consideration of such application has expired without any action, whichever occurs first.

7-914 DESIGNATION OF HISTORIC DISTRICTS

1. These provisions pertaining to the designation of a historic district constitute a part of the comprehensive zoning plan of the City of Odessa. All provisions of the Zoning Ordinance, including applicable fees, shall apply unless specifically in conflict with the provisions contained in this Ordinance.

2. Applications for designation of historic districts shall be filed by the owner or by the Historic Preservation Officer on behalf of the City in the office of the Director of Planning and Zoning for the City of Odessa if the property complies with the criteria for approval in Section 7-915. Property owners within a proposed historic district shall be notified prior to the Commission hearing on the recommended designation. At the Commissioner's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic architectural, or cultural importance of the proposed historic district.

3. The Commission may recommend the designation of a district if it:

   (a) Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and,

   (b) Constitutes a distinct section of the city.

4. The proposed historic district, with a recommendation to approve or disapprove by the Commission, shall be submitted to the Zoning Commission within forty-five (45) days of its receipt of an application meeting all requirements approved by the City Council. The Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedure, as specifically provided in the general Zoning Ordinance of the City of Odessa. The Zoning Commission shall make its recommendation to the City Council within forty-five (45) days of its receipt of the application from the Commission on the proposed designation.

5. The City Council shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general Zoning Ordinance of the City of Odessa within forty-five days (45) days of its receipt of the application from the Zoning Commission.

6. Upon designation of a historic district, the City Council shall cause the designated boundaries to be recorded in the Official Public Records of Real Property of Ector County, the tax records of the City of Odessa and the Ector County Appraisal District as well as the Official Zoning Maps of the City of Odessa. All zoning maps should indicate the designated historic district by an appropriate mark "HD". All designated districts shall also be numbered consecutively.

7. The historic district is an overlay zone and its requirements are in addition to those requirements of the underlying zoning district.

8. The ordinance to be adopted to approve the designation of a historic district shall describe its location, the nature of the alterations that require approval, including the principles, or specific criteria by which alterations are to be determined as appropriate or not.

9. Once an application, that meets all of the requirements for an application to designate an historic landmark or an historic district, has been filed and notice provided to the owner, the property may not be destroyed or altered until the application has been approved by final action in the administrative process, or until the period required for consideration of such application has expired without any action, whichever occurs first.

7-915 CRITERIA FOR THE DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS

A historic landmark or district may be designated if it:

1. Possess significance in history, architecture, archeology, or culture, or

2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history, or

3. Is associated with the lives of persons significant in our past, or

4. Embodies the distinctive characteristics of a type, period, or method of construction, or

5. Represents the work of a master designer, builder, or craftsman, or

6. Represents an established and familiar visual feature of the city.

7-916 CERTIFICATE OF APPROPRIATENESS FOR ALTERATION OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS

Without a Certificate of Appropriateness, no person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of the exterior appearance visible from a street, of any designated historic landmark or any property within a designated historic district, nor shall any person make any material change in the

light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements, visible from a street, which affect the appearance of any historic landmark or any property within a historic district. Failure to comply with this section shall be an offense and subject to the penalty provided herein unless an economic hardship is found pursuant to Section 7-920. A certificate of appropriateness is not required for ordinary maintenance as defined herein.

7-917 CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS

In considering an application for a certificate of appropriateness, the Commission shall be guided by any adopted design guidelines, and where applicable, the following from The Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings. Any adopted design guidelines shall be made available to the property owners of historic landmarks or within historic districts.

1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

2. The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

10. Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the buildings, structure, object, or site would be unimpaired.

7-918 CERTIFICATION OF APPROPRIATENESS APPLICATION PROCEDURE

1. Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate in the office of the Director of Planning for the City of Odessa. The Application shall contain:

   (a) Name, address, telephone number of applicant, detailed description of proposed work.

   (b) Location and photograph of the property and adjacent properties.

   (c) Elevation drawings of the proposed changes, if available.

   (d) Samples of materials to be used.

   (e) If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.

   (f) Any other information which the Commission may deem necessary in order to visualize the proposed work.

2. No building permit electrical, plumbing or other permit of the City shall be issued for such proposed work requiring a Certificate of Appropriateness until a final Certificate of Appropriateness has first been issued by the Commission. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any other permit that may be required by any other ordinance of the City of Odessa. A final Certificate of Appropriateness cannot be issued until the period of appeal has expired or until the City Council enters an order on appeal or until all parties have signed a waiver of appeal.

3. The Commission shall review the application at a regularly scheduled meeting within sixty (60) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Commission shall approve, deny, or approve with modifications the certificate within forty-five (45) days after the review meeting. In the event the Commission does not act within ninety (90) days of the receipt of the application, a certificate shall be granted.

4. All decisions of the Commission shall be in writing. The Commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate city departments, e.g., Building Inspection.

5. An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission, the Preservation Officer, or a representative of the City, relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within fifteen (15) days after receipt of notification of such action. The City Council shall give notice, hold a hearing after published notice, and make its decision.

6. Any Certificate of Appropriateness which has been approved shall expire twelve (12) months from the date of issuance, unless the Commission has approved, at a regularly scheduled meeting, an additional period of time.

7-919 CERTIFICATE OF APPROPRIATENESS REQUIRED FOR DEMOLITION

1. A permit by the Building Official for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the preservation officer without the review of a completed application for a Certificate of Appropriateness by the Commission, as provided for in Section 7-916, 7-917, 7-918 of the ordinance.

2. Demolition shall not be permitted if prohibited by state or federal law.

3. The following factors shall be taken into consideration regarding the proposed demolition:

   (a) The effect the demolition of the structure or other construction would have on the historical or architectural integrity of the neighborhood.

   (b) The condition of the building and whether it is economically feasible to repair or restore the structure or whether reasonable steps can be taken to save the structure from further deterioration, collapse, arson, vandalism, or neglect.

   (c) The reasonableness of the cost of restoration or repair.

   (d) The historic or architectural significance of the structure.

   (e) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, or unique location.

   (f) Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region.

   (g) Whether there are definite plans for the reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, social, aesthetic, or environmental character of the surrounding areas, as well as the economic impact of the new development.

   (h) Any conditions proposed to be voluntarily placed on the redevelopment of the site which would mitigate the loss of the historic structure.

   (i) The cause, extent, and gravity of the hardship claimed by the applicant specifically including, but not limited to, economic hardship attributable to amount of funds expended by the owner for redevelopment of the site.

   (j) The availability of other sites for the applicant's intended purpose or use.

4. The issuance of a Certificate of Appropriateness to demolish shall not release the owner from the requirement to obtain a permit to demolish issued by the Building Official in the Inspection Department of The City of Odessa.

7-920 ECONOMIC HARDSHIP APPLICATION PROCEDURE

1. After receiving written notification from the Commission of the denial of a Certificate of Appropriateness, and after all rights of appeal have been exhausted, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.

2. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:

   (a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

   (b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

   (c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

3. The applicant shall consult in good faith with the Commission, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

4. The Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the preservation officer. Following the hearing, the Commission has thirty (30) days in which to prepare a written decision. In the event that the commission does not act within ninety (90) days of the receipt of the application, the permit shall be denied.

5. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail or by delivery and a copy filed with the City Secretary's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

6. An applicant for a Certificate of Appropriateness or the Preservation Officer dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within fifteen (15) days after receipt of notification of the decision of the Commission. The City Council shall then give notice, hold a hearing after published notice, and make its decision on the appeal within forty-five (45) days after its receipt of the notice of appeal from the decision of the Commission. If the

City Council fails to take any action within the prescribed period of time the Certificate of Appropriateness shall be approved.

7-921 ENFORCEMENT

All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the preservation officer, or other official of the City appointed by the City Manager, to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such act by the Commission and verification by the preservation officer, the preservation officer shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as the stop work order is in effect and failure to comply shall be an offense under this ordinance.

7-922 ORDINARY MAINTENANCE

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

7-923 DEMOLITION BY NEGLECT

No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. A property owner subject to a complaint for Demolition By Neglect in the judgment of the Preservation Officer, or other official of the City appointed by the City Manager shall have a right of appeal to the Commission and the City Council as provided for when applying for a Certificate of Appropriateness. It shall be an offense to continue to permit a deterioration of a designated landmark or property within a district after a final order has been approved.

Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports, or

2. Deterioration of roofs or other horizontal members, or

3. Deterioration of exterior chimneys, or

4. Deterioration or crumbling of exterior stucco or mortar, or

5. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors, or

6. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

7-924 PENALTIES

Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable for a misdemeanor crime and be subject to a fine of not more than $1,000.00 for each day the violation continues.

7-925 AD VALOREM TAX INCENTIVE

The restoration of landmarks and contributing property within a historic district in the City of Odessa shall be eligible for a tax freeze pursuant to Section 11.24 of the Tax Code of the State of Texas subject to the following conditions:

1. The owner of a qualifying historic landmark or contributing property within a historic district in the City of Odessa may apply for a tax freeze on city property taxes for both the land, necessary for access to and use of the structure, and the structure on the building site. The qualifying historic landmark or contributing property within a historic district will have an annual assessed value equal to the assessed value of the tax year immediately before the restoration was completed, for eight years following completion of the restoration. The tax freeze will begin the first day of the first tax year after verification of the restoration. For purposes of this section, "restoration" means work performed in accordance with Certificates of Appropriateness granted by the Commission pursuant to the building and other codes of the city.

2. Eligibility for tax freeze. To be eligible for a city property tax freeze, the property must be a city designated historic landmark or contributing property within a historic district located in the City of Odessa and must meet all of the following conditions:

   (a) The historic landmark or contributing property within a historic district must not have been granted a previous property tax freeze under this section.

(b) At the time of application of the tax freeze, the exterior and interior of the historic landmark, must be in need of restoration that exceeds thirty (30) percent of the assessed value of the structure, the year the restoration is to begin. Only that restoration for which a building permit, electrical permit, plumbing permit, or other project permit has been issued may be counted in determining whether the work exceeds thirty (30) percent of the assessed value.

(c) It must be designated (1) as a Recorded Texas Historic Landmark by the Texas Historical Commission and by the City Council of the City of Odessa, or (2) as a historically significant site in need of tax relief to encourage its preservation pursuant to an ordinance or other law adopted by the City Council. A property will satisfy this requirement if it has been designated by the City as a historic landmark or contributing property within a historic district, it is in need of restoration and no restoration has occurred for a period of five years immediately proceeding the proposed restoration.

3. Application for tax freeze. An application for a historic landmark tax freeze must be filed with the Director of Planning or other City official appointed by the City Manager. Each application must be signed and sworn to by the owner of the property and must include the following information:

(a) The legal description of the property,

(b) Detailed plans and documents related to the proposed work showing how the exterior of the historic landmark is to be restored in accordance with the preservation criteria,

(c) A statement and documentation of the cost for the restoration of the exterior and interior of the historic landmark to show that the costs exceed thirty (30) percent of the assessed value of the structure,

(d) A projection of the construction time and completion date of the restoration,

(e) The proposed use of the property,

(f) Prior designation as a historic landmark,

(g) The historical significance of the site,

(h) The need for tax relief to encourage its preservation, and

(i) Any other information which is necessary to the City in determining eligibility.

4. Certification of Eligibility. The owner of the historic landmark or contributing property in a district shall comply with the Certificate of Appropriateness procedure in order to have the proposed alterations to the exterior of the historic landmark or contributing property in a District approved and to obtain a Certificate of Eligibility indicating that the historic landmark or contributing historic property in a historic district is eligible for the tax freeze.

5. Qualification for tax freeze.

(a) Upon completion of the restoration of the historic landmark in accordance with the Certificate of Appropriateness and the Certificate of Eligibility, the owner shall submit to the director a sworn statement certifying that the restoration has been completed.

(b) The owner shall obtain a Certificate of Qualification for a tax freeze by action of the City Council at a regular City Council meeting.

(c) If a Certificate of Qualification is approved, the director shall send written notice to the County Appraisal District which shall appraise the property in accordance with Subsection (5)(a). The director shall also send a copy of the Certificate of Qualification to the City Finance Department.

(d) A Certificate of Qualification shall not be approved until the applicant files a commitment to immediately repay to the city all tax revenues not paid because of the tax freeze if the owner is required to repay the taxes under Subsection (6)(a). The commitment must be approved as to form by the City Attorney or designee and filed in the County Deed Records. The commitment shall run with the land and bind the owner, heirs and assigns. Any unpaid repayment required under Subsection (6)(a) shall be a lien against the property.

6. Destruction or alteration to a historic landmark or contributing property in a district.

(a) If the preservation officer has reason to believe that a historic landmark or contributing property in a district has been totally or partially destroyed or altered by the willful act or negligence of the owner or his representative in violation of the preservation criteria contained in the ordinance designating the historic landmark or contributing property in a district, the preservation officer shall immediately cause the matter to be scheduled for the earliest possible consideration by the Commission with a

right to appeal as provided for Certification of Appropriateness procedure. If, after giving notice and hearing to the owner, and after any appeal, it is determined that the historic landmark or contributing property in a district has been totally or partially destroyed or altered by the willful act or negligence of the owner or his representative, the owner shall immediately repay to the city all of the tax revenues that were not paid because of the tax freeze.

(b) Where a historic landmark or contributing property in a district is totally or partially destroyed or altered other than by the willful act or negligence of the owner or his representative, the owner shall, within thirty (30) days, request a demolition permit when restoration is not feasible, or request a building permit to reconstruct the Historic Landmark in accordance with the preservation criteria. The determination as to whether restoration is feasible shall be made by the Commission, as part of the Certificate of Appropriateness review procedure required to be followed in obtaining demolition or building permit. In cases where a demolition permit is issued by the city because restoration is not feasible, repayment of the tax revenues is not required.

7. If a site is approved for a "HL" Historic Landmark, the landmark was restored in 1996 in contemplation of the adoption of this ordinance in an amount that exceeded thirty (30) percent of the assessed value of the structure, no restoration had occurred in the five years proceeding such restoration and the restoration complied with all other requirements for the tax incentive other than the fact that it was started prior to the adoption of this ordinance and prior to its designation as a Historic Landmark, it shall be eligible for the tax incentive as provided herein.

7-926 AMENDMENTS TO A CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard Certificate of Appropriateness review procedure.

7-927 EMERGENCY PROCEDURE

If a landmark or a property in a Historic District, is damaged and the building official determines that the landmark or property will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the landmark. In such a case, the property owner shall apply for a Certificate of Appropriateness within ten (10) days of the occurrence which caused the damage. The protection authorized under this subsection must not permanently alter the architectural features of the landmark.

7-928 INJUNCTION

In the event a person violates any of the provisions set forth in this ordinance, the City Attorney shall be authorized to pursue injunctive relief and other appropriate remedies in the appropriate court. These remedies are cumulative of any other remedy or penalty.

7-929 LOCATION OF SEXUALLY ORIENTED BUSINESSES

1. A person commits an offense, except as provided in subsections (6) and (7), if he operates or causes to be operated a sexually oriented business within 800 feet of:

   (a) A church, defined as a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief either inside or outside the City limits; or

   (b) A public or private elementary or secondary school, a day care center licensed by the State of Texas, a college or university, together with the playgrounds, stadia and other structures or grounds used in conjunction therewith either inside or outside the City limits; or

   (c) A boundary of a residential district as defined in this chapter; or

   (d) A public park, defined as land and its buildings and improvements provided for recreation, sports, picnics, or amusement by the City of Odessa, Ector County, E.C.I.S.D., State of Texas, or any other government entity or non-profit agency used for specific groups such as "Little League" baseball or the public generally either inside or outside the City limits; or

   (e) A convention center or coliseum, defined as land and its buildings and improvements, owned by a governmental entity and designed primarily for the use of holding conventions, entertainment, trade show, civic activities, seminars and other similar activities.

   (f) A mall, defined as land and its buildings and improvements, operated and maintained as a single entity containing one or more structures to accommodate commercial, retail or office use, provided an enclosed/ covered common area which is made available for demonstrations, contests, display booths, recreational walks, and other activities that would attract young people and the general public.

2. A person commits an offense if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1000 feet of another sexually oriented business.

3. A person commits an offense if he causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or if he causes or permits the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

4. For the purposes of Subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, college or university, state licensed day care center, coliseum, convention center, mall, or to the nearest boundary of an affected public park, or residential district.

5. For purposes of Subsection (2) of this Section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

6. Any sexually oriented business lawfully operating on the effective date of this Ordinance, that registers with the director of planning as a nonconforming use, by filing an application with the chief of police for a license prior to November 1, 1996, and that is in violation of subsections (1), (2) or (3) of this Section, or in violation of Section 7-105 of the Zoning Ordinance, shall be deemed a nonconforming use and it shall not be an offense under subsections (1), (2), or (3), of this section which such nonconforming status is in effect. The nonconforming use will be permitted to continue unless terminated or abandoned for any reason or voluntarily discontinued for a period of six (6) months or more. Any nonconforming use which is discontinued or which remains vacant for a period of six (6) months shall be considered to have been abandoned. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. if two (2) or more sexually oriented businesses are within 1000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

7. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, state licensed day care center, college or university, public park,

mall, coliseum, or convention center, or residential district within 800 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

7-930 WIRELESS COMMUNICATIONS SYSTEMS REGULATIONS

1. Definitions: The following words and phrases when used in this Section shall for the purpose of this Section, have the meaning respectively ascribed to them in this Section:

   (a) Alternative Tower Structure - Sometimes referred to as "structure" shall mean a building, clock tower, bell steeple, light pole, and similar alternative antenna mounting structures.

   (b) Antenna - Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electro magnetic waves.

   (c) Antenna Support Structures - Sometimes referred to as "Towers," shall mean as follows:

      1) Monopole Antenna Structure - A self supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more Antennas and related equipment for wireless telecommunication transmission; or

      2) Lattice Antenna Structure - A steel lattice, self supporting structure with no guy wire support, so designed to support fixtures which hold one or more Antennas and related equipment for wireless communication transmission; or

      3) Guyed Lattice Antenna Structure - A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more Antennas and related equipment for wireless communication transmission.

   (d) Backhaul Provider - Means a company that provides a hardline, cable or other such medium with which a wireless call either ends or starts.

   (e) Conforming Commercial Earth Station - Means a Satellite Earth Station that is two meters (6.6 feet) or less in diameter and is located in an area where commercial or industrial uses are generally permitted under state or local land-use regulations. Such an area would not extend to those

portions of a site where most land uses are forbidden or severely restricted, such as, for example, street areas, utility easements, visibility triangles, yards and SF bufferyards.

(f) FAA - The Federal Aviation Administration.

(g) FCC - The Federal Communications Commission.

(h) Satellite Earth Station - Means an Antenna, usually parabolic in shape, designed and intended for transmitting or receiving television, radio or microwave signals to or from earth satellites. This definition does not include a Small Antenna.

(I) Small Antenna - Includes the following: (1) an Antenna that is designed to receive direct satellite service, including direct-to-home satellite service, that is one meter (3.3 feet) or less in diameter, (2) an Antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one meter (3.3 feet) or less in diameter or diagonal measurement, (3) an antenna that is designed to receive television broadcast signals, (4) an Antenna for a ham radio operator, or (5) an Antenna designed to receive direct satellite service that is ten (10) feet or less in diameter or diagonal measurement is constructed on the ground to the rear of the principal building, and the top of the Antenna does not extend above the peak of the roof.

(j) Structure - Means the same as Alternative Tower Structure.

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

(l) Unmanned Equipment Building - An accessory building housing electronic and communication equipment as an associated and permitted part of a wireless communication system.

(m) Wireless Communication System - Any system for which a person is required to obtain a permit as provided in subsection 2(a).

2. Permits

(a) Permits - Prior to construction or placement of an Antenna, Antenna Support Structure, Tower, Unmanned Equipment Building or Satellite Earth Station, a person must obtain a building permit; and in an O, MC, NS and R District, a specific use permit as well. However, such permits shall not be required for (1) a Small Antenna unless specifically required by the Building Regulations of the City or by this ordinance and (2) a Conforming Commercial Earth Station. For purpose of public safety, it is required that any Antenna for which the highest point of the Antenna is more than twenty (20) feet above the peak of the roof, is required to obtain a permit.

(b) Regulations - All Antennas must comply with the applicable regulations herein, or by other ordinances, regardless of whether a permit is required. The regulations do not apply to an Antenna located within a building.

(c) Small Antennas - The Building Official may designate other regulations which apply to Small Antennas, by listing them on a document to be made readily available to Antenna users. The building official shall only include those regulations which are: (1) necessary to accomplish a clearly defined safety objective and (2) not more burdensome to affected Antenna users than is necessary to achieve the stated objective. The building official shall state each such safety objective in the document. A copy of this document shall also be made readily available to Antenna users. The regulations stated in the document, plus any others made applicable by this ordinance, are the only City regulations applicable to Small Antennas.

(d) Applications - Applications for a permit shall be accompanied by the following in duplicate:

1) A complete set of construction documents showing the proposed method of installation.

2) A copy of the manufacturer's recommended installation instructions, if any.

3) A diagram to scale showing the location of the Antenna, property and setback lines, easements, power lines and all structures.

4) A certification by a structural or civil engineer registered by the State of Texas if required by the Texas Engineer Practices Act, that the proposed installation complies with the structure requirements of the City of Odessa Building Code, and other applicable codes,

regulations, and customary and reasonable industry standards, with the most restrictive to apply.

(e) Administrative Rulings - Decisions shall be made on a case by case basis in a reasonable period of time, supported by substantial evidence contained in a written record, taking into consideration the nature and scope of each request and all appeals to court shall be made within 30 days after the final decision or order by the City, and shall be based on the substantial evidence rule and shall be considered by the Court on an expedited basis pursuant to 47 U.S.C. Section 704. All appeals of decisions by the Director of Planning shall go to the Zoning Board of Adjustment in the same manner as all other appeals based on the Zoning Ordinance.

(f) Variances or Special Exceptions - In addition to their other powers, the Building Board of Appeals with regard to safety issues, and the Zoning Board of Adjustment with regard to zoning issues may grant a variance or special exception for an Antenna, Tower or Alternate Structure or Antenna Support Structure, if: (1) the Board finds that the intended function of the Antenna, Tower or Structure would be adversely affected, in some significant way, if the Antenna, Tower or Structure had to be constructed in accordance with the other provisions of this chapter, or (2) the variance or special exception is necessary to harmonize the City's ordinances and federal laws, rules or regulations, or (3) the Board finds that by modifying the height limitation to provide additional space for co-location of other Antenna, the number of Antenna Support Structures can be reduced. Unless otherwise ordered by the Building Board of Appeals, or Zoning Board of Adjustment, civil, criminal, administrative and other legal actions are stayed during the time that an application for a variance or special exception is pending.

(g) Nuisance - In addition to the penalties provided in this Code, any violation of this subchapter if hereby declared to be a nuisance. In addition to any other relief provided by this subchapter, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article, and other available relief.

3. Special Requirements

(a) Tower Illumination - Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other applicable Federal or State agencies. In addition, lighting shall be shielded or directed so as not to project directly onto surrounding residential property.

(b) Radiation Standards - Wireless Communication Systems shall comply with current Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.

(c) Fencing for Wireless Communication Systems - A fence shall be required around the Antenna Support Structure and other related equipment, unless the Antenna is mounted on a building or other independent support structure. The fence shall not be less than eight (8) feet in height measured from finished grade. Access to the Antenna Support Structure shall be through a locked gate.

(d) Setbacks - Antenna Support Structures and Unmanned Equipment Buildings shall meet the minimum building setback requirements for the zoning district in which they are located. Setbacks shall be measured from the base of the Antenna Support Structure to all front, rear and side property lines. In addition all Towers shall be set back from habitable structures at least to the extent of the height of the tower. The property owner shall not be required to set back from habitable structures located on the property where the tower is to be located. No Antenna or Antenna Support Structure shall be located in any required front yard setback or anywhere in the front yard between the principal building and the front setback.

(e) Abandonment - In the event the use of any Wireless Communication System, which would include any Antenna Support Structure, has been discontinued for a period of twelve (12) months, the Antenna Support Structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official who shall have the right to request documentation and/or affidavits from the Antenna Support Structure owner/operator regarding the issue of usage. Upon determination of abandonment, the owner/operator of the Antenna Support Structure shall remove the Antenna Support Structure within ninety (90) days, of receipt of notice from the Building Official notifying the owner/operator of such abandonment. If such Antenna Support Structure is not removed within said ninety (90) days, the Building Official may cause such Antenna Support Structure to be removed at the owner's expense. If there are two or more uses of an Antenna Support Structure, then this provision shall not become effective until all users cease using the Antenna Support Structure.

(f) Notice - At least thirty (30) days prior written notice must be provided to the Director of Planning prior to the relocation, modification, co-location or change in backhaul providers, showing continued compliance with all laws, ordinances and regulations.

(g) Signs - In no event shall any sign be placed on any facilities subject to the requirements of this ordinance except in strict compliance with all sign ordinances of the city.

(h) Backhaul Providers - Backhaul providers shall be identified and must have all necessary approvals to operate as such, including holding necessary franchises, permits and certificates.

(I) Floor Area - An Unmanned Equipment Building shall not exceed seven hundred fifty (750) square feet of gross floor area per building.

(j) Height - An Unmanned Equipment Building shall not exceed fifteen (15) feet in overall height. An Antenna Support Structure shall not exceed one hundred and sixty (160) feet in height, which height shall be measured from the ground level to the highest point on the structure, even if the highest point is an Antenna. All Antennas and Antenna Support Structures shall comply with the height restrictions established by FAA or any other federal or state agency. There shall be no Antenna and/or Tower, located in a residential district, that is seventy (70) feet or more in height measured from the ground level to the highest point of the structure, even if the highest point is an Antenna.

(k) Zoning Districts - Antenna Support Structures shall be an allowed use in the Retail-1 (R-1), Central Business-1 (CB-1), Central Business-2 (CB-2), Light Commercial (LC), Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts and by specific use permit in the Office (O), Medical Center (MC), Neighborhood Service (NS) and Retail (R) Districts. Antenna Support Structures shall also be allowed on any government owned property, however, they shall be subject to all health and safety requirements contained in this or any other ordinance. Non-conforming provisions of the City Zoning Ordinance shall apply.

(l) Existing Co-location - No new Wireless Communication System shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Director that no existing Tower or Structure can accommodate the applicant's proposed Antenna. Evidence submitted to demonstrate that no existing Tower or Structure can accommodate the applicant's proposed Antenna may consist of any of the following:

1) No existing Tower or Structure is located within the geographic area required to meet applicant's engineering requirements.

2) Existing Towers or Structures are not of sufficient height to meet applicant's engineering requirements.

3) Existing Towers or Structures do not have sufficient structural strength to support applicant's proposed Antenna and related equipment and cannot be reinforced to provide sufficient structural strength.

4) The applicant's proposed Antenna would cause electromagnetic interference with the Antenna on the existing Tower or Structure, or the Antenna on the existing Tower or Structure would cause interference with the applicant's proposed Antenna.

5) The fees or costs required to share an existing Tower or Structure or to adapt an existing Tower or Structure for sharing are unreasonable. Costs below new Tower development are presumed reasonable.

6) Property owners or owners of an existing Tower or Structure are unwilling to accommodate the applicant's needs.

7) The applicant demonstrates that there are other limiting factors that render existing tower and structure unsuitable.

(m) Future Co-location - If permitted, the Antenna Support Structure must be constructed to support a minimum of two (2) Antenna arrays for two (2) separate Wireless Communication System providers or users. Annually, the Planning Director shall keep a list of known Wireless Communication System providers. Prior to certification of any application, all applicants for Antenna Support Structures shall comply with the following procedures:

1) All Wireless Communication System applicants shall provide notice by mail to all providers on the Wireless Communication System providers' list with the following information: specifications of the proposed Antenna Support Structures; its general location; its proposed height; and a phone number to locate the owner of the Antenna Support Structure. A copy of the notice shall be mailed to the Planning Director's office. The notices shall invite potential Wireless Communication System providers to apply for space on the proposed Antenna Support Structure.

2) The applicant shall submit a report inventorying existing Antenna Support Structures and Antenna sites within a one-mile distance from the proposed site outlining opportunities for shared use as an alternative to the proposed one. In the case of co-location, the pro-rata reimbursement to the initial applicant from the future provider shall not exceed fifty-five percent (55%) of the original cost for construction of the Antenna Support Structure.

(n) City Property - In order for a person to occupy or use City Property or Public Rights-Of-Way for the purpose of wireless communication, the person shall make an application, obtain a license or franchise, to be determined by the City, based on the circumstances, signed by the City Manager, setting forth terms and conditions that impose reasonable requirements, including the term, provisions for payment of fees or consideration, requirements for co-location of facilities, required specifications for facilities, protection of City Right-Of-Way and City Property, applicable construction requirements, requirements regarding broadcasting frequency, insurance, indemnity, restrictions on assignment, transfer and termination and other necessary provisions to protect the public health, property and safety of the City and its citizens. The provision of City Property and Public Right-Of-Way is subject to the needs of the City, and availability of space. No license or franchise granted hereunder shall be effective until the applicant the City have executed a written agreement setting forth the terms and conditions under which the license or franchise shall be granted.

8-100 AREA REGULATIONS

EXCEPT AS HEREINAFTER PROVIDED, NO BUILDING OR STRUCTURE OR PART THEREOF SHALL BE ERECTED, ALTERED OR CONVERTED FOR ANY USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED UNLESS IT IS IN CONFORMITY WITH ALL THE MINIMUM REGULATIONS HEREIN SPECIFIED FOR LOT AREA, LOT WIDTH, LOT DEPTH, LOT COVERAGE AND FRONT, SIDE AND REAR YARDS.

8-101 LOT AREA

The minimum residential lot area for the various districts shall be in accordance with the following schedule, provided that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Ordinance may be used for a single-family or mobile home dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth herein except where a platted lot or a portion thereof is part of a "lot of record" as described in 21-101(97) and all or part of such "lot of record" is being platted in accordance with the minimum standards of this Ordinance.

(A) IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM LOT AREA FOR EACH INDICATED TYPE OF DEWELLING UNIT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SCHEDULE MINIMUM REQUIRED LOT AREAS PER FAMILY DWELLINGS,

SINGLE-FAMILY AND TWO TO FOUR-FAMILY DWELLING,

SPECIAL HOUSING AND MOBILE OR HUD-MANUFACTURED HOMES.

D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE-1	SF-2 SINGLE FAMILY RESIDENCE-2	SF-3 SINGLE FAMILY RESIDENCE-3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE-1	2F-2 TWO FAMILY RESIDENCE-2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE-1	MF-2 MULTIPLE FAMILY RESIDENCE-2	MH-E MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL-1	CB-1 CENTRAL BUSINESS-1	CB-2 CENTRAL BUSINESS-2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
SINGLE-FAMILY DWELLING DETACHED	1Acre	1Acre	10,000	8,000	6,000	5,000	6,000	6,000	5,000	5,000	6,000	5,000	8,000	4,800	5,000	-	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	-	-	5,000
SINGLE-FAMILY DWELLING ATTACHED	-	-	-	-	-	2,000	2,500	2,500	2,500	2,000	2,000	2,000	-	-	2,000	-	2,000	2,000	-	2,000	2,000	2,000	2,000	2,000	2,000	-	-	2,000
TWO-FAMILY DWELLING	-	-	-	-	-	3,000	4,000	3,000	3,000	4,000	3,000	3,000	-	-	3,000	-	3,000	3,000	-	3,000	3,000	3,000	3,000	3,000	2,000	-	-	3,000
THREE OR FOUR-FAMILY DWELLING	-	-	-	-	-	-	-	-	2,000	2,000	2,000	2,000	-	-	2,000	-	2,000	2,000	-	2,000	2,000	2,000	2,000	2,000	2,000	-	-	2,000
SPECIAL HOUSING	-	-	-	-	-	2,000	-	-	-	2,000	2,000	1,600	-	-	1,600	-	-	1,600	-	2,000	2,000	1,600	1,600	2,000	2,000	-	-	1,600
MOBILE OR HUD-MANUFACTURED HOME	-	-	-	-	-	-	-	-	4,800	-	-	-	8,000	4,800	4,800	-	-	-	-	-	4,800	-	-	4,800	4,800	4,800	-	4,000
MOBILE OR HUD MANUFACTURED HOME TRANSIENT SPACE	-	-	-	-	-	-	-	-	-	-	-	-	-	3,500	-	-	-	-	-	-	3,500	-	-	3,500	3,500	3,500	-	-

MINIMUM REQUIRED LOT AREA EXPSRESSED IN SQUARE FEET FOR EACH DWELLING UNIT

Note: - INDICATES AREA DOES NOT APPLY FOR TYPE OF HOUSING

(B) IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM LOT AREA FOR EACH APARTMENT DWELLING UNIT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SCHEDULE OF MINIMUM REQUIRED LOT AREAS PER FAMILY UNIT, MULTIPLE-FAMILY (APARTMENT BUILDINGS)

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE-1	SF-2 SINGLE FAMILY RESIDENCE-2	SF-3 SINGLE FAMILY RESIDENCE-3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE-1	2F-2 TWO FAMILY RESIDENCE-2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE-1	MF-2 MULTIPLE FAMILY RESIDENCE-2	MH-E MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL-1	CB-1 CENTRAL BUSINESS-1	CB-2 CENTRAL BUSINESS-2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
LOT AREA REQUIRED FOR MULTIPLE FAMILY DWELLINGS IN SQ. FT. PER BEDROOM IN STRUCTURES 3 STORIES OR LESS																												
EFFICIENCY	-	-	-	-	-	-	-	-	800	-	1,200	1,000	-	-	1,000	-	1,200	1,000	-	1,200	1,200	1,000	1,000	1,200	1,200	1,200	-	1,000
ONE BEDROOM	-	-	-	-	-	-	-	-	900	-	1,500	1,200	-	-	1,200	-	1,500	1,200	-	1,500	1,500	1,200	1,200	1,500	1,500	1,500	-	1,200
TWO BEDROOMS	-	-	-	-	-	-	-	-	1,200	-	1,800	1,500	-	-	1,500	-	1,800	1,500	-	1,800	1,800	1,500	1,500	1,800	1,800	1,800	-	1,500
THREE BEDROOMS	-	-	-	-	-	-	-	-	1,500	-	2,100	1,800	-	-	1,800	-	2,100	1,800	-	2,100	2,100	1,800	1,800	2,100	2,100	2,100	-	1,800
FOUR BEDROOMS	-	-	-	-	-	-	-	-	1,800	-	2,400	2,100	-	-	2,100	-	2,400	2,100	-	2,400	2,400	2,100	2,100	2,400	2,400	2,400	-	2,100
LOT AREA REQUIRED FOR MULTIPLE FAMILY DWELLINGS IN SQ. FT. PER BEDROOM IN STRUCTURES OVER 3 STORIES IN HEIGHT																												
EFFICIENCY	-	-	-	-	-	-	-	-	-	-	-	250	-	-	100	-	-	-	-	-	-	100	100	250	250	250	-	150
ONE BEDROOM	-	-	-	-	-	-	-	-	-	-	-	300	-	-	200	-	-	-	-	-	-	200	200	300	300	300	-	200
TWO BEDROOMS	-	-	-	-	-	-	-	-	-	-	-	400	-	-	300	-	-	-	-	-	-	300	300	400	400	400	-	300
THREE BEDROOMS	-	-	-	-	-	-	-	-	-	-	-	500	-	-	400	-	-	-	-	-	-	400	400	500	500	500	-	400
FOUR BEDROOMS	-	-	-	-	-	-	-	-	-	-	-	600	-	-	500	-	-	-	-	-	-	500	500	600	600	600	-	500

Note: --INDICATES AREA DOES NOT APPLY FOR TYPE OF HOUSING

Note: BEDROOM as herein referred to is any room in an apartment other than a kitchen, dining room, living room, bathroom or closet. Extra kitchens, game rooms, living or dining rooms, dens, sun rooms or similar extra rooms shall be considered as bedrooms in computing density standards for apartment buildings.

8-200 LOT WIDTH

THE MINIMUM LOT WIDTH FOR LOTS IN THE VARIOUS DISTRICTS USED FOR RESIDENTIAL PURPOSES, SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, PROVIDED THAT A LOT HAVING LESS WIDTH THAN HEREIN REQUIRED WHICH WAS AN OFFICIAL "LOT OF RECORD" PRIOR TO THE ADOPTION OF THIS ORDINANCE MAY BE USED AS A SINGLE-FAMILY OR MOBILE HUD-MANUFACTURED HOME DWELLING AND NO LOT EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED IN WIDTH BELOW THE MINIMUM SET FORTH HEREIN EXCEPT WHERE A PLATTED LOT OR A PORTION THEREOF IS PART OF A "LOT OF RECORD" AS DESCRIBED IN 21-101(94)(B) OR 21-101(94)(C) AND ALL OR PART OF SUCH "LOT OF RECORD" IS BEING PLATTED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF THIS ORDINANCE.

8-201 IN THE FOLLOWING ZONING DESTRICTS THE MINIMUM LOT WIDTH FORW RESIDENTIAL USES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SCHEDULE-MINIMUM REQUIRED LOT WIDTH-RESIDENTIAL USES

D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE-1	SF-2 SINGLE FAMILY RESIDENCE-2	SF-3 SINGLE FAMILY RESIDENCE-3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE-1	2F-2 TWO FAMILY RESIDENCE-2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE-1	MF-2 MULTIPLE FAMILY RESIDENCE-2	MH-E MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL-1	CB-1 CENTRAL BUSINESS-1	CB-2 CENTRAL BUSINESS-2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
SINGLE-FAMILY DWELLING DETACHED	150'	150'	80'	60'	50'	50'	50'	50'	50'	50'	50'	50'	60'	50'	50'	-	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	-	-	40'
SINGLE-FAMILY DWELLING ATTACHED	-	-	-	-	-	20'	20'	20'	20'	20'	20'	20'	-	-	20'	-	20'	20'	-	20'	20'	20'	20'	20'	-	-	-	20'
TWO-FAMILY DWELLING	-	-	-	-	-	60'	60'	60'	60'	60'	60'	60'	-	-	60'	-	60'	60'	-	60'	60'	60'	60'	60'	60'	-	-	50'
THREE OR FOUR-FAMILY DWELLING	-	-	-	-	-	-	-	-	60'	60'	60'	60'	-	-	60'	-	60'	60'	-	60'	60'	60'	60'	60'	60'	60'	-	60'
MULTIPLE-FAMILY DWELLING THREE STORIES OR LESS	-	-	-	-	-	-	-	-	60'	-	60'	60'	-	-	60'	-	60'	60'	-	60'	60'	60'	60'	60'	60'	60'	-	60'
MULTIPLE-FAMILY DWELLING OVER THREE STORIES	-	-	-	-	-	-	-	-	-	-	-	100'	-	-	100'	-	-	-	-	-	-	100'	100'	-	-	-	-	-
SPECIAL HOUSING	-	-	-	-	-	20'	-	-	-	20'	20'	20'	-	-	20'	-	-	20'	-	20'	20'	20'	20'	40'	40'	40'	-	40'
MOBILE OR HUD MANUFACTURED HOME	-	-	-	-	-	-	-	-	50'	-	-	-	60'	50'	50'	-	-	-	-	-	40'	-	-	40'	40'	40'	-	40'

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Note: INDICATES WIDTH NOT APPLICABLE
See Appendix Illustration 1 for method of measuring lot width.

8-202 The width of the lot as specified in 8-201 shall be measured at the specified setback or front building line, but in no case shall the lot width at the front street line be less than thirty (30) feet except where a lesser lot width is permitted in Section 8-201, in which event, the width of the lot at the front street line shall be no less than the width specified in Section 8-201.

8-300 LOT DEPTH

The minimum lot depth shall be a function of the minimum lot area and the minimum lot width but in no case shall the minimum lot depth for residential uses be less than eighty (80) feet except that for special housing the minimum lot depth shall not be less than fifty (50) feet.

8-400 FRONT YARD

IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM REQUIRED FRONT YARD SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND NO BUILDING OR STRUCTURE SHALL HEREINAFTER BE LOCATED, ERECTED OR ALTERED SO AS TO HAVE A SMALLER FRONT YARD THAN HEREINAFTER REQUIRED, AND NO FRONT YARD EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED BELOW THE MINIMUM SET FORTH IN THE FOLLOWING SCHEDULE EXCEPT AS HEREINAFTER PROVIDED:

8-401 SCHEDULE MINIMUM REQUIRED FRONT YARDS

D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE-1	SF-2 SINGLE FAMILY RESIDENCE-2	SF-3 SINGLE FAMILY RESIDENCE-3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE-1	2F-2 TWO FAMILY RESIDENCE-2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE-1	MF-2 MULTIPLE FAMILY RESIDENCE-2	MH-E MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL-1	CB-1 CENTRAL BUSINESS-1	CB-2 CENTRAL BUSINESS-2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
MINIMUM REQUIRED FRONT YARD EXCEPT AS HEREIN-AFTER PROVIDED	35'	35'	25'	25'	25'	25' See 8-402 (9)	25'	25'	20'	25'	25'	15' See 8-402 (7)	25'	15'	25'	15'	20'	See 8-402 (11)	20'	See8-402 (11)								See 8-402 (8)

MINIMUM REQUIRED FRONT YARD SPECIFIED IN FEET

8-402 SPECIAL FRONT YARD REGULATIONS

1. Where the frontage on one side of the 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 from one intersecting street to the other. (See Appendix Illustration 7.)

2. A mobile or hud-manufactured home as a fixed dwelling shall observe the front yard specified for the district in which the dwelling is located. A mobile or hud-manufactured home as a transient dwelling shall observe a minimum front yard of fifteen (15) feet from a public street and three (3) feet from a private drive.

3. Where a building line has been established by plat or ordinance and such line requires a front yard setback greater or lesser in depth than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the minimum required front yard as established by Section 8-401 of this ordinance. All residential development located on a cul-de-sac shall have a minimum front yard building setback of fifteen (15) feet.

4. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet and chimneys not exceeding ten (10) feet in width may project into the required front yard for a distance not to exceed two (2) feet.

5. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed. (See Appendix Illustration 6.)

6. If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback for that block which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is located, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard greater than fifty (50) feet nor shall they be interpreted as requiring any building to observe a front yard of more than ten (10) feet greater than the front setback observed by any building on a contiguous lot. These provisions shall be superseded on any lot where a minimum building line has been established by plat or ordinance and the front yard or setback provisions of such plat or ordinance shall be observed. (See Appendix Illustration 8.)

7. In the MF-2 and O Districts, a minimum front yard of fifteen (15) feet shall be required in all cases provided, however, that in no case shall the distance as measured from the centerline of the street on which a building fronts to the face of the building be less than one-half (1/2) the height of the building; however, in no case need such distance exceed fifty (50) feet regardless of the height of the building. (See Appendix Illustration 11.)

8. In the PD District the following minimum front yards shall be provided:

   Commercial Development - Fifteen (15) feet or as specified in the amending ordinance.

   Housing Development - Fifteen (15) feet or as specified in the amending ordinance.

   Retail Development - Forty (40) feet except drive-in service may be located within sixteen (16) feet of the front property line and a different front yard line may be established in retail developments as the setback is specified in the amending ordinance.

   Industrial Development - Twenty (20) feet or as specified in amending ordinance.

   Office, Medical or Other Development - Twenty (20) feet or as specified in amending ordinance.

9. In the SPD District a front yard may be reduced to zero provided that provisions are made for handling the storage of automobiles off the street without creating a traffic hazard and all front yard lines in an SPD District shall be subject to approval on the Site Plan as hereinafter specified to assure a compatible relationship to adjacent development and adequate provision for the health and safety of the occupants and the public.

10. Gasoline pump islands with or without canopy shall be located no closer than 20' to the property line. Canopies attached to the pump islands shall provide at least 14' of clearance from the ground to the bottom of the canopy and shall be located no closer than 10' to the property line.

11. In the MC, R, R-1, LC, HC, CB-2, LI, and HI districts a minimum 25 foot front yard is required for all non-residential uses except where provision is made for adequate site design, by addressing traffic circulation, parking, visual clearance and surrounding development on an adopted site plan.

    In the CB-1 district no front yard is required except no structure may be erected nearer than thirty (30) feet to the centerline of any street on which such structure fronts and all residential buildings located in the LC, HC district shall provide a minimum front yard of fifteen (15) feet.

Residential uses in the MC, R, and R-1 districts shall provide a minimum front yard of twenty-five (25) feet.

12. In all districts where establishments providing service directly to the automobile are permitted, a setback and drive for stacking waiting vehicles shall be provided so that a minimum of four (4) automobiles may be accommodated between the front property line and the service window or order board of the facility.

13. Where single-family residential lots front upon the major or secondary traffic arteries of University Boulevard, 42nd Street, 52nd Street, Dixie Boulevard, Maple Avenue, Tanglewood Lane, West County Road, Golder Avenue, Crane Avenue or Dawn Avenue, a screening fence or wall may be constructed in the required front yard as a buffer and separation from the visual and noise impact of vehicular traffic generated by the proximity of the thoroughfares. No screening fence or wall authorized in the front yard under the provisions of this section shall exceed eight (8) feet in height and no fence or wall shall be located nearer than ten (10) feet to the front property line and in all cases a screening fence, wall or related landscape planting shall be so located and arranged as to assure a driver of a vehicle clear vision of the street and sidewalk when entering or leaving the premises and prior to the vehicles entering or leaving the street. The space created between the screening fence or wall may be used for the customary front lawn or as an entry garden or landscaped area including paved areas, sculpture, water features and trees.

14. In a Mobile or Hud-Manufactured Home Park or Special Housing Arrangement where the location of a fence or wall has been approved on the Site Plan so as to be located within the required front yard, such fence or wall may be erected to a maximum height of six (6) feet provided that the location and height of such fence or wall within the front yard does not obstruct the clear vision of streets or sidewalks for a vehicle driver entering or leaving the lot or tract.

8-500 SIDE YARD

IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM REQUIRED SIDE YARD SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND NO BUILDING, STRUCTURE OR USE SHALL HEREAFTER BE LOCATED SO AS TO HAVE A SMALLER SIDE YARD ON EACH SIDE OF SUCH BUILDING THAN HEREIN REQUIRED, AND NO SIDE YARD EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED BELOW THE MINIMUM SET FORTH HEREIN:

8-501 SCHEDULE MINIMUM SIDE YARDS - RESIDENTIAL USES

D I S T R I C T S

TYPE USE	FD FUTURE DEVELOPMENT	SF-E SINGLE FAMILY ESTATE	SF-1 SINGLE FAMILY RESIDENCE-1	SF-2 SINGLE FAMILY RESIDENCE-2	SF-3 SINGLE FAMILY RESIDENCE-3	SPD SPECIAL DWELLING	2F-1 TWO FAMILY RESIDENCE-1	2F-2 TWO FAMILY RESIDENCE-2	GR GENERAL RESIDENCE	4-F FOUR FAMILY RESIDENCE	MF-1 MULTIPLE FAMILY RESIDENCE-1	MF-2 MULTIPLE FAMILY RESIDENCE-2	MHE MOBILE HOME ESTATE	MH MOBILE HOME	U UNIVERSITY	P PARAKING	O OFFICE	MC MEDICAL CENTER	NS NEIGHBORHOOD SERVICE	R RETAIL	R-1 RETAIL-1	CB-1 CENTRAL BUSINESS-1	CB-2 CENTRAL BUSINESS-2	LC LIGHT COMMERCIAL	HC HEAVY COMMERCIAL	LI LIGHT INDUSTRY	HI HEAVY INDUSTRY	PD PLANNED DEVELOPMENT
MINIMUM REQUIRED SIDE YARD SINGLE-FAMILY DETACHED AND TWO,THREE AND FOUR-FAMILY DWELLINGS	15'	15'	8'	6'	5'	6'	6'	5'	5'	6'	5'	5'	6'	5'	5'	-	5'	5'	5'	5'	5'	5'	5'	5'	5'	-	-	5' See 8-502 (7)
MINIMUM REQUIRED SIDE YARD FOR SINGLE-FAMILY ATTACHED AND SPECIAL HOUSING	-	-	-	-	-	NONE See 8-502 (5)	-	-	NONE See 8-502 (5)	NONE See 8-502 (5)	NONE See 8-502 (5)	NONE See 8-502 (5)	-	-	NONE See 8-502 (5)	-	NONE See 8-502 (5)	NONE See 8-502 (5)	-	NONE See 8-502 (5)	NONE See 8-502 (5)	NONE See 8-502 (5)	NONE See 8-502 (5)	NONE See 8-502 (5)	NONE See 8-502 (5)	-	-	NONE See 8-502 (5)
MINIMUM REQUIRED SIDE YARD FOR MULTIPLE--FAMILY DWELLINGS	-	-	-	-	-	-	-	-	15' See 8-502 (2)	-	15' See 8-502 (2)	15' See 8-502 (2)	-	-	15' See 8-502 (2)	-	15' See 8-502 (2)	15' See 8-502 (2)	-	15' See 8-502 (2)	15' See 8-502 (2)	15' See 8-502 (2)	15' See 8-502 (2)	15' See 8-502 (2)	15' See 8-502 (2)	15' See 8-502 (2)	-	15' See 8-502 (2) (7)
MINIMUM REQUIRED SIDE YARD MOBILE OR HUD-MANUFACTURED HOME	-	-	-	-	-	-	-	-	See 8-502 (8)	-	-	-	6'	See 8-502 (8)	See 8-502 (8)	-	-	-	-	-	See 8-502 (8)	-	-	See 8-502 (8)	See 8-502 (8)	See 8-502 (8)	-	(9) See 8-502 (7) (8)
MINIMUM REQUIRED SIDE YARD FOR SINGLE-FAMILY DETACHED AND TWO-FAMILY DWELLINGS LOCATED ON LOTS PLATTED PRIOR TO DECEMBER 28,1971	-	-	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	-	5'	-	-	5'	5'	5'	5'	5'	5'	5'	5'	5'	-	-	-

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Note: - INDICATES SIDE YARD NOT APPLICABLE FOR TYPE OF HOUSING

SPECIAL SIDE YARD REGULATIONS

8-502

1. **Every part of a required side yard shall be open and unobstructed by any building except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and a roof eave, canopy projecting not to exceed twenty-four (24) inches into the required side yard.**

2. **Multiple-family dwellings shall provide a minimum side yard of fifteen (15) feet between any building wall.**

containing openings for windows, light and air and any side lot line except that any such building face or wall not exceeding thirty-five (35) feet in length may provide a minimum side yard of ten (10) feet. Where a building wall contains no openings for windows, light or air, a minimum side yard of ten (10) feet shall be provided between such wall and side lot line. (See Appendix Illustration 9.) Where high rise apartment buildings, exceeding three (3) stories in height are erected in the MF-2, MC, O or other districts permitting such construction, the side yard shall be increased one (1) foot for each two (2) feet the structure exceeds three (3) stories but no side yard need exceed fifty (50) feet.

3. On a corner lot, a side yard adjacent to a street for a multiple-family dwelling not exceeding three (3) stories in height shall not be less than fifteen (15) feet and no balcony or porch or any portion of the building may extend into such required side yard except that a roof may overhang such side yard not to exceed four (4) feet.

4. On a corner lot used for one-family, two-family or multiple-family dwellings, both street exposures shall be treated as front yards on all lots platted after December 28, 1971, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission containing a side yard, the building line provisions on such plat shall be observed. On lots which were official "lots of record" prior to December 28, 1971, the minimum side yard adjacent to a side street shall comply with the required side yard for the respective districts as specified in 8-501 or with any side yard shown on a "plat of record". (See Appendix Illustration 4.)

5. A single-family attached dwelling or special housing development shall provide a minimum required side yard adjacent to a side street of fifteen (15) feet and no complex of attached single-family dwellings or attached special housing units shall exceed three hundred (300) feet in length. A minimum required side yard of five (5) feet shall be provided at the end of each single-family attached or special housing group so that the end of any two adjacent building complexes shall be at least ten (10) feet apart. (See Appendix Illustration 12.) A side yard other than herein specified may be indicated on a Site Plan and if approved by the Planning and Zoning Commission shall be observed.

6. No side yard is specified for nonresidential use in the P, R, R-1, O, MC, LC, HC, CB-1, CB-2, LI or HI Districts except where a commercial, retail or industrial use or other nonresidential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum five (5) foot side yard shall be provided on the side adjacent to such residential districts. On a side street in an R, R-1, O, MC or LC District, a minimum side yard of ten (10) feet shall be provided.

7. The minimum side yard requirements in a Planned Development District shall be established on the Site Plan or in the amending ordinance.

8. A minimum side yard of six (6) feet shall be provided for any mobile/hud-code manufactured home located as a fixed dwelling and any structure attached to a mobile/hud-code manufactured home. The minimum side yard space provided for a mobile/hud-code manufactured home located in a mobile/hud-code manufactured home park shall comply with the side yard space shown on the approved site plan for the mobile/hud-code manufactured home park.

9. Special side yard arrangements, such as "zero lot line", may be provided for when the Site Plan or Plat designates the special side yard condition and such Site Plan or Plat is approved by the Planning and Zoning Commission and filed for record. Special side yard arrangements shown on an approved Site Plan or Plat shall be observed by the Building Official in issuing Building Permits.

8-600 REAR YARD

NO BUILDING OR STRUCTURE SHALL HEREAFTER BE LOCATED, ERECTED OR ALTERED TO HAVE A REAR YARD SMALLER THAN HEREIN REQUIRED AND NO REAR YARD EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE SHALL BE REDUCED BELOW THE MINIMUM SET FORTH BELOW.

8-601 There shall be no rear setback line for main or accessory buildings unless no alley exists, in which case a 10' setback line shall be observed. No single-family or two-family residential building and all accessory buildings on a lot shall cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the midpoint on one side lot line with the midpoint on the opposite side lot line. For accessory building standards see 8-902.

8-602 In the P, O, MC, NS, R, R-1, CB-1, CB-2, LC, HC, LI and HI Districts, no rear yard is specified for nonresidential uses except where retail, commercial or industrial uses back upon a common district line, whether separated by an alley or not, dividing the district from any of the residential districts listed herein, a minimum rear yard of ten (10) feet shall be provided.

8-603 Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot except for accessory buildings, landscaping, fences and similar appurtenances

and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed three (3) feet into the required rear yard.

8-604 The minimum required rear yard in a PD, Planned Development District shall be established on the Site Plan or by the amending ordinance.

8-605 Where multiple-family dwellings exceed three (3) stories in height, a rear yard equal to one (1) foot for each two (2) feet in height shall be provided except that no such rear yard need exceed fifty (50) feet as a result of this provision and except further that in the MF-2, O, MC, CB-1, CB-2, LC, HC and LI Districts, no rear yard exceeding ten (10) feet shall be required where the rear wall of a multiple-family residential structure contains no openings or windows for light or air.

8-606 Special rear yard arrangements including a zero rear yard line may be provided for special housing when the Site Plan or Plat designates such special housing rear yard condition and such Site Plan or Plat is approved by the Planning and Zoning Commission and filed for record. Special housing rear yard arrangements shown on an approved Site Plan or Plat shall be observed by the Building Official in issuing Building Permits.

8-607 A minimum rear yard of ten (10) feet shall be provided for all mobile or hud-manufactured home dwellings located on lots and the minimum space to the rear of a mobile or hud-manufactured home in a mobile or hud-manufactured home park shall comply with the rear yard space shown on the approved Site Plan for a mobile/hud-manufactured home park.

8-700 LOT COVERAGE

THE MAXIMUM PERCENTAGE OF ANY LOT AREA WHICH MAY HEREAFTER BE COVERED BY THE MAIN BUILDING AND ALL ACCESSORY BUILDINGS SHALL NOT EXCEED THE FOLLOWING SCHEDULE:

8-701 IN THE FOLLOWING ZONING DISTRICTS THE MAXIMUM BUILDING LOT COVERAGE SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE: (SEE NEXT PAGE)

DISTRICT	MAXIMUM LOT COVERAGE MAIN BUILDING	MAXIMUM LOT COVERAGE MAIN BUILDING AND ALL ACCESSORY BUILDINGS*	MAXIMUM LOT COVERAGE MAIN BUILDING AND PARKING IN PARKING STRUCTURE
SP-D	50%	50%	60%
GR	40%	50%	50%
MF-1	40%	50%	60%
MF-2	40%	50%	70%
MH	40%	50%	50%
O	40%	50%	80%
MC	70%	75%	90%
NS	35%	40%	80%
R	35%	40%	100%
R-1	35%	40%	100%
CB-1	100%	100%	100%
CB-2	70%	75%	90%
LC	50%	60%	80%
HC	50%	60%	100%
LI	40%	50%	100%
HI	50%	75%	100%
PD	. . . To be specified in Site Plan or in amending ordinance but not exceeding 60%.	70%	80%

Note: 1. No lot coverage standard is specified for districts not listed.

2. Open off-street parking space or loading space shall not be computed in lot coverage as herein specified and parking structures shall not be computed in lot coverage in the O, MC, R, R-1, LC, HC, LI, HI or PD Districts.

* Coverage applies to accessory buildings where all or part of the off-street parking is provided in the open.

8-800 FLOOR AREA RATIO

EXCEPT AS HEREINAFTER PROVIDED, NO BUILDING OR STRUCTURE SHALL BE ERECTED, ADDED TO OR ALTERED TO EXCEED THE MAXIMUM FLOOR AREA RATIO STANDARDS IN THE VARIOUS ZONING DISTRICTS AS SET FORTH HEREIN.

8-801 IN THE FOLLOWING ZONING DISTRICTS, THE MAXIMUM FLOOR AREA RATIO (FAR) FOR ANY BUILDING OR STRUCTURE SHALL BE AS FOLLOWS:

	District	MAXIMUM FLOOR AREA RATIO
1.	MF-2, Multiple-Family District-2	4:1
2.	O, Office District	4:1
3.	MC, Medical Center District	20:1
4.	CB-1, Central Business District-1	20:1
5.	CB-2, Central Business District-2	10:1
6.	LC, Light Commercial District	4:1
7.	HC, Heavy Commercial District	4:1
8.	LI, Light Industrial District	2:1
9.	HI, Heavy Industrial District	2:1

Note: Accessory structures used for off-street parking of vehicles shall not be computed as area subject to floor area ratio standards.

8-900 SPECIAL AREA AND ACCESSORY BUILDING REGULATIONS

8-901 COURT STANDARDS

THE MINIMUM DIMENSION AND AREA OF OUTER OR INNER COURTS PROVIDED IN BUILDINGS OCCUPIED FOR RESIDENTIAL PURPOSES SHALL BE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS.

1. OUTER COURTS RESIDENTIAL STRUCTURES

a. For residential structures, three (3) stories or less in height, any outer court which is used for access of light or air or which may be used for emergency access purposes shall have a minimum width equal to the depth of the court up to twenty (20) feet, but the width of any such outer court need not exceed twenty (20) feet even though the depth of the court may exceed such dimension.

b. For residential structures exceeding three (3) stories in height, any outer court which is used for emergency access purposes shall have a minimum width equal to the depth of the court up to fifty

(50) feet, but the width of any such outer court need not exceed fifty (50) feet even though the depth of the court may exceed such dimension.

2. INNER COURTS RESIDENTIAL STRUCTURES

a. For residential structures three (3) stories or less in height, any inner court which is used for access or light or air or which may be used for emergency access purposes shall have minimum dimensions in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width nor the length of the base of such inner court need exceed twenty (20) feet even though the height of the enclosing walls may exceed such dimension.

b. For residential structures three (3) stories in height, any inner court which is used for access of light or air or which may be used for emergency access purposes shall have a minimum dimension in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width nor the length of the base of such inner court need exceed fifty (50) feet even though the height of the enclosing walls may exceed such dimension.

8-902 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

1. FRONT YARD

Attached accessory buildings or structures shall have a front yard not less than the main building. Detached accessory buildings or structures shall be located in the area defined as the rear yard.

2. SIDE YARD

There shall be a side yard for any attached accessory building equal to the minimum requirement for the main structure located in a residential area. For a detached accessory building located behind the front yard building setback, there shall be no side yard required, provided that all building code standards are met. Accessory buildings must maintain a six (6) feet separation from any other structure. If the six (6) feet separation is not maintained, the accessory building shall be considered to be an integral part of that structure and shall be required to observe the same side yard as the main structure. Adjacent to a side street, the accessory building shall observe either the platted setback line, the setback line established by the main structure, or the setback lines established by ordinance, whichever is most restrictive.

3. REAR YARD

a. There need be no rear yard for accessory buildings or structures except that, if no alley exists, the rear yard shall not be less than ten (10) feet as measured from the rear lot line.

b. In any residential district, no residential building and all accessory buildings on a lot shall cover more than 50% of that portion of the lot lying to the rear of a line erected joining the midpoint on one side lot line with the midpoint on the opposite side lot line.

4. In arrangements of special housing and where special yard arrangements are approved on a Site Plan or Plat, the side or rear yard requirements for either attached or detached accessory buildings shall be as provided on the approved Site Plan or Plat.

9-100 HEIGHT REGULATIONS

NO BUILDING OR STRUCTURE SHALL BE LOCATED, ERECTED OR ALTERED SO AS TO EXCEED THE HEIGHT LIMIT HEREINAFTER SPECIFIED FOR THE DISTRICT IN WHICH THE BUILDING IS LOCATED.

9-101

IN THE FOLLOWING ZONING DISTRICTS	THE MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES SHALL BE
1. FD, Future Development District	Two and one-half (2 1/2) stories except as noted in 9-102.
2. SFE, Single-Family Estate District	Two and one-half (2 1/2) stories except as noted in 9-102.
3. SF-1, Single-Family Residence District-1	Two and one-half (2 1/2) stories except as noted in 9-102.
4. SF-2, Single-Family Residence District-2	Two and one-half (2 1/2) stories except as noted in 9-102.
5. SF-3, Single-Family Residence District-3	Two and one-half (2 1/2) stories except as noted in 9-102.

6.	SPD, Special Dwelling District	Three (3) stories except as noted in 9-102.
7.	2F-1, Two-Family Residence District-1	Two (2) stories except as noted in 9-102.
8.	2F-2, Two-Family Residence District-2	Two (2) stories except as noted in 9-102.
9.	GR, General Residence District	Two (2) stories except as noted in 9-102.
10.	4-F, Four-Family Residence District	Two (2) stories except as noted in 9-102.
11.	MF-1, Multiple-Family Residence District-1	Three (3) stories except as noted in 9-102.
12.	MF-2, Multiple-Family Residence District-2	To any legal height except apartment buildings over three (3) stories require additional yards (See 8-402[7] and 8-502[2]).
13.	MH-E, Mobile Home Estate District	Two (2) stories except as noted in 9-102.
14.	MH, Mobile Home District	Two (2) stories except as noted in 9-102.
15.	U, University District	To any legal height not restricted by other laws or ordinances.
16.	P, Parking District	Three (3) stories except as noted in 9-102.
17.	O, Office District	To any legal height except as noted in 9-102.
18.	MC, Medical Center District	To any legal height except as noted in 9-102.
19.	NS, Neighborhood Service District	Two (2) stories except as noted in 9-102.
20.	R, Retail District	Three (3) stories except as noted in 9-102.
21.	R-1, Retail-1 District	Three (3) stories except as noted in 9-102.
22.	CB-1, Central Business District-1	To any legal height not prohibited by other laws or

		ordinances.
23.	CB-2, Central Business District-2	To any legal height not prohibited by other laws or ordinances.
24.	LC, Light Commercial District	To any legal height not prohibited by other laws or ordinances.
25.	HC, Heavy Commercial District	To any legal height not prohibited by other laws or ordinances.
26.	LI, Light Industrial District	To any legal height not prohibited by other laws or ordinances.
27.	HI, Heavy Industrial District	To any legal height not prohibited by other laws or ordinances.
28.	PD, Planned Development District	To any legal height specified by the amending ordinance provided that the total floor area does not exceed the total site area and coverage of the site by first floor does not exceed sixty (60) percent of the total site area.

9-102 SPECIAL HEIGHT REGULATIONS

In the districts where the height of the buildings is restricted to two (2) or three (3) stories, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed fifty (50) feet above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires and school buildings and institutional buildings may be erected to exceed three (3) stories in height in residential areas restricted to two (2) or three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of side and rear yards for each foot that such structures exceed three (3) stories in height.

10-100 VEHICLE PARKING REGULATIONS

EXCEPT AS HEREINAFTER PROVIDED, NO BUILDING OR STRUCTURE OR PART THEREOF SHALL BE ERECTED, ALTERED OR CONVERTED FOR ANY USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED

UNLESS THERE SHALL BE PROVIDED ON THE LOT OR TRACT OR ON AN IMMEDIATELY CONTIGUOUS LOT OR TRACT, OR FOR NONRESIDENTIAL USES ONLY ON A LOT OR TRACT WITHIN 300 FEET, VEHICLE PARKING IN THE FOLLOWING RATIO OF VEHICLE SPACES FOR THE USES SPECIFIED IN THE DESIGNATED DISTRICTS, EXCEPT THAT AN ESTABLISHED USE LAWFULLY EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE NEED NOT PROVIDE VEHICLE PARKING IN CONNECTION WITH SAID USE EXCEPT FOR ADDITIONS, EXTENSIONS, OR EXPANSIONS OF SAID USE. (SEE LAYOUT AND DESIGN STANDARDS FOR PARKING LOTS PAGE 171)

10-101 IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM OFF-STREET PARKING SPACES FOR RESIDENTIAL USES SHALL BE:

1.	FD, Future Development District	Two (2) spaces for each dwelling unit.
2.	SF-E, Single-Family Estate District	Two (2) spaces for each dwelling unit.
3.	SF-1, Single-Family Residence District-1	Two (2) spaces for each dwelling unit.
4.	SF-2, Single-Family Residence District-2	Two (2) spaces for each dwelling unit.
5.	SF-3, Single-Family Residence District-3	Two (2) spaces for each dwelling unit.
6.	SPD, Special Dwelling District	Two (2) spaces for each dwelling unit.
7.	2F-1, Two-Family Residence District-1	Two (2) spaces for each dwelling unit.
8.	2F-2, Two-Family Residence District-2	Two (2) spaces for each dwelling unit.
9.	GR, General Residence District	Two (2) spaces for each dwelling unit.
10.	4-F, Four-Family Residence District	Two (2) spaces for each dwelling unit.
11.	MF-1, Multiple-Family Residence District-1	Two (2) spaces for each dwelling unit.
12.	MF-2, Multiple-Family Residence District-2	Two (2) spaces for each dwelling unit.
13.	MH-E, Mobile Home Estate District	Two (2) spaces for each dwelling unit.

14.	MH, Mobile Home District	Two (2) spaces for each mobile home or dwelling unit.
15.	U, University District	Two (2) spaces for each dwelling unit.
16.	O, Office District	Two (2) spaces for each dwelling unit.
17.	MC, Medical Center District	One (1) space for each dwelling unit.
18.	NS, Neighborhood Service District	Two (2) spaces for each single-family dwelling district.
19.	R, Retail District	Two (2) spaces for each dwelling unit.
20.	R-1, Retail-1 District	Two (2) spaces for each dwelling unit.
21.	CB-1, Central Business District-1	None Required.
22.	CB-2, Central Business District-2	One (1) space for each dwelling unit.
23.	LC, Light Commercial District	Two (2) spaces for each dwelling unit.
24.	HC, Heavy Commercial District	Two (2) spaces for each dwelling unit.
25.	LI, Light Industrial District	Two (2) spaces for each dwelling unit.
26.	HI, Heavy Industrial District	Two (2) spaces for each dwelling unit.
27.	PD, Planned Development District	Two (2) spaces for each dwelling unit plus such additional or lesser requirements as may be specified by the amending ordinance.

10-102 THE FOLLOWING SPECIAL OFF-STREET PARKING PROVISIONS SHALL APPLY TO THE FOLLOWING RESIDENTIAL TYPE USES:

1. Convalescent Home or Resident Home for Senior Citizens - One (1) space for each six (6) rooms or beds.

2. Housing or Apartment Complex - Elderly or Handicapped - One (1) space per dwelling unit provided, however, the provisions of this sub-section shall be applicable only if the owner of the property upon which such apartment complex is situated duly records covenants and restrictions running with such land to the effect that, if such land is ever used for a purpose other than an apartment complex (Elderly and/or Handicapped), provisions shall be made to bring such new use into compliance with all applicable zoning regulations of the City of Odessa concerning off-street parking.

10-103 The following schedule governing non-residential parking requirements shall be in effect for all districts except CB-1 (Central Business District -1, and situations where parking credit is provided pursuant to Section 15-108.

1. Bank, Savings and Loan or similar financial establishment - One (1) space for each three hundred (300) square feet of floor area.

2. Bowling Alley - Six (6) spaces for each lane.

3. Clinics or Doctor's Office - One (1) space for each three hundred (300) square feet of floor area.

4. Churches - One (1) space for each three (3) seats in the main sanctuary.

5. Commercial Amusement - Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of floor area over two thousand (2,000) square feet.

6. Convalescent Home or Home for Senior Citizens - One (1) space for each six (6) rooms or beds.

7. Detention Halfway House - Ten (10) spaces plus one (1) space for each employee.

8. Gasoline Service Station - Minimum of two (2) spaces for each two hundred (200) square feet of automotive service area other than fuel service plus two (2) spaces for employees.

9. Golf Course - Minimum of thirty (30) spaces.

10. Handball or Racquet Ball - Minimum of four (4) spaces per court plus one (1) space for each employee.

11. High School, College or University - One (1) space for each classroom, laboratory or instruction area plus one (1) space for each three (3) students accommodated in the institution.

12. Hospitals - One and one-half (1 .) spaces for each bed.

13. Hostel - Living Quarters (Other) - One (1) space per hostel employee, and one space for each five (5) guests at full design capacity of the establishment.

14. Hotel or Motel - One (1) space for each room, unit or guest accommodation plus specified requirements for restaurants and related facilities.

15. Institutions of a Philanthropic Nature - Ten (10) spaces plus one (1) space for each employee.

16. Jail or Prison Facility - Ten (10) spaces plus one (1) space for each employee.

17. Library or Museum - Ten (10) spaces plus one (1) space for each three hundred (300) square feet of floor area.

18. 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 floor area, whichever is greater.

19. Nursery School - One (1) space for each employee who does not reside on premises and in nonresidential districts one (1) space for each two hundred (200) square feet of floor area.

20. Offices, General - One (1) space for each three hundred (300) square feet of floor area.

21. Recreational Private or Commercial Area or Building (Other Than Listed) - One (1) space for each four (4) persons to be normally accommodated in the establishment.

22. Restaurant or Cafeteria - One (1) space for every three (3) seats under maximum seating arrangement.

23. Retail or Personal Service, General - One (1) space for each two hundred (200) square feet of floor area. Furniture stores and appliance stores - One (1) space for each four hundred (400) square feet of floor area.

24. Sales Space Contracting - One (1) space for each four hundred (400) square feet of uncovered sales area and one (1) space for each two hundred (200) square feet of covered sales area.

25. Schools, Elementary or Junior High, One (1) space for each classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium or other place of assembly.

26. Stadium or Baseball Field - One (1) space for each three (3) seats in the stadium, grandstand, bleachers or other seating or viewing area.

27. Storage or Warehousing - One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.

28. Theaters, Meeting Rooms and Places of Public Assembly - One (1) space for each three (3) seats.

29. Theaters with multi-screens (three or more screens) one (1) space for each five (5) seats.

10-104 SPECIAL OFF-STREET AND CERTAIN ON-STREET PARKING REGULATIONS

1. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.

2. Mobile Recreational Equipment and Commercial Vehicles

   (a) In the SF-E, SF-1, SF-2, SF-3, SPD, 2F-1, 2F-2, GR, MF-1, MF-2, MH-E, O, and NS districts, mobile recreation equipment may be parked or stored on private property but shall be parked in compliance with all applicable Codes and Ordinances. The term mobile recreation equipment shall mean any boat, any trailer designed or intended by its manufacturer primarily for the transportation of a boat, and any trailer, semi-trailer of self-propelled motor vehicle which is designed, constructed, and equipped for human habitation as a dwelling place, living abode or sleeping place either permanently or temporarily.

   (b) Mobile recreation equipment shall not be used for living, sleeping or housekeeping purposes or office space when parked or stored on a lot in the forementioned districts or in any location not approved for such a use.

   (c) No commercial vehicle over 1 . tons or 17,000 pounds GVW, or 32' in length may be parked or stored in the above listed zoning districts, either on street, alley or public or private property. Gross Vehicle Weight, "GVW", is the maximum permissible loaded weight of the originally equipped vehicle.

(d) The requirements listed herein shall be the legal duty and prima facie responsibility of the owner of the real property if the violation occurs on private property and shall be the legal duty and prima facie responsibility of the registered owner of the vehicle, if the violation occurs on street, alley or public property. If the owner or person in whose name such vehicle is registered is a corporation then the senior or managing officer of the corporation who resides in the city in which the vehicle is based shall be held prima facie responsible for such violation. If a vehicle is registered to a deceased person or to a nonresident of Odessa, but is being driven and operated by a person or by members of a family residing in Odessa then said person or the head of the family shall be held prima facie responsible for such violation.

(e) In the event that or a commercial vehicle is parked on a street, alley or other public property and the area where parked is not included in any particular zoning district then for the purpose of this section such area shall be considered as zoned in the zoning district of the lot or tract which is adjacent to the side of the street, alley or public property where the vehicle is parked.

(f) There shall be excepted from the above requirements the following:

(1) any church busses appropriately marked as such and parked on the property owned or leased by the church.

(2) vehicles owned or operated by the City, County or other such public entities.

(3) all vehicles owned or operated by a public utility franchised by the City of Odessa or permitted to operate under the Public Utility Regulatory Act.

(4) vehicles temporarily parked for the purpose of loading or unloading any household goods and furniture and accompanied by the driver.

(5) vehicles used on a temporary basis to construct or make repairs to residential type improvements, located in the district and accompanied by the driver.

(6) in the event that a commercial vehicle is parked in or on an alley, street, or public property in violation of this Ordinance and the registered owner of the vehicle is not the owner of the adjacent real property, such owner shall be excused without fine for the first offense, which shall constitute notice of the violation; however, any further violation by parking in violation of this Ordinance on a separate day shall be subject to a fine as herein provided.

3. No off-street parking requirement is specified for any use in the CB-1, Central Business District-1.

4. Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

10-105 PARKING REQUIREMENTS FOR NEW OR UNLISTED USES

1. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.

2. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to 10-104(1) or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in 7-200 for classifying new and unlisted uses.

11-100 OFF-STREET LOADING REGULATIONS

11-101 EXCEPT IN THE CB-1 DISTRICT, 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. SUCH OFF-STREET LOADING SPACE MAY BE ADJACENT TO A PUBLIC ALLEY OR PRIVATE SERVICE DRIVE OR 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 (10) BY FORTY-FIVE (45) FEET AND SUCH SPACES OR BERTHS SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SQUARE FEET OF GROSS FLOOR AREA IN STRUCTURE	MINIMUM REQUIRED SPACES OR BERTHS
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4
Each Additional 50,000	1 Additional

11-102 FOR HOTELS, OFFICE BUILDINGS, RESTAURANTS AND SIMILAR ESTABLISHMENTS LOCATED OTHER THAN IN THE CB-1 DISTRICT, OFF-STREET LOADING FACILITIES SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SQUARE FEET OF GROSS FLOOR AREA IN STRUCTURE	MINIMUM REQUIRED SPACES OR BERTHS
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each Additional 200,000	1 Additional

12-100 SIGN REGULATIONS

THE DISTRICTS IN WHICH THE VARIOUS TYPES OF SIGNS ARE PERMITTED ARE INDICATED BY THE SCHEDULE OF USES, 7-100.

12-101 DEFINITIONS

The following terms shall have the following meanings and shall apply in the interpretation and enforcement of the ordinance relating to sign regulations.

1. Apartment, Housing Project or Mobile Home Park Identification, Sign - A permanent on-site sign for the identification of an apartment building, housing complex, or mobile home park subdivision on which the sign is placed and/or displaying the name, services or activities offered.

2. Apartment or Housing Project Information, Sign - A small sign providing direction for access or parking of vehicles or direction to the office or the manager of the project, and may include public safety signs such as fire lane, no parking or pedestrian designations.

3. Area, Sign - The net geometrical area enclosed by the display surface of the sign, including the outer extremities of the framework of the sign, except sign support. Only one side of a double faced sign is measured in calculating sign area or object. (See Figure 1)

4. Banner - A display composed primarily of cloth, paper, fabric, or other similar nonrigid material, supported by wire or rope which is tied or affixed to a building. (See Figure 8)

5. Banner, Sign - A sign affixed to a banner.

6. Billboard, Sign - Any sign which directs the attention of the traveling public to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

6A. Billboard, Electronic – An off-premise sign on which the message or copy can be electronically changed by remote or automatic means.

7. Canopy - A permanent roof-like shelter extending from part or all of a building or independent of a building. (See Figure 7)

8. Canopy, Awning, Sign - A sign affixed to or supported by a canopy/awning. (See Figure 7)

9. Clearances, Sign - The vertical distance measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face. (See Figure 4)

10. Construction, Temporary, Sign - A temporary accessory sign identifying any or all of the property owners, architects, mortgagees or other participants in the construction or improvement of the premises on which the sign is located.

11. Development, Temporary, Sign - A temporary sign related to the identification and promotion of new developments, projects and buildings and located on the premises on which the building or project is situated.

12. Directional, Sign - A sign which contains only information designed to direct pedestrian or vehicular traffic to the location of a facility on the property on which the sign is located. Such signs may include arrows, words or symbols. No goods or services for sale may be listed.

13. Flag, Sign - A sign made of cloth or bunting, often attached to a pole, with definite colors, patterns, or symbolic devices, used as a national, state or local symbol, or to indicate membership in an organization.

14. Free Standing, Sign - A sign which is attached to or a part of a completely self-supporting structure such as a frame or a pole. The supporting structure is not attached to any building or any other structure and is anchored firmly to or below the ground surface.

15. General Business (Commercial), Sign - A sign or display which identifies a business located on the premises or which advertises or promotes a commodity or service offered on the premises where such sign is located, and may include name of the establishment or business offering such commodities, services or activities.

16. Government, Sign - A sign indicating public works projects, public services or other programs or activities conducted or required by any governmental functions.

17. Ground, Sign - Any sign which is attached to either the ground or to a footing set flush with the ground with a maximum height not to exceed 42 inches above adjacent grade.

18. Height, Sign - The vertical distance between the highest point of the sign or its supporting structure and the grade directly below the sign (See Figure 2)

19. Institutional Identification, Sign - A sign for the identification of a school, university, church, hospital or similar public or quasi-public institution.

20. Institutional Information, Sign - A sign erected on the premises of the institution to provide information as to the program and services of the institution or to provide direction for access, parking of vehicles or guidance to various elements or units or to provide public safety information.

21. Name Plate, Sign - A sign showing only the name and/or address of the occupant of a premises on which the name plate is located.

22. Neighborhood Crime Watch, Sign - A sign which indicates that a specific area or block is under neighborhood surveillance for crime.

23. Office Identification, Sign - A sign which identifies any or all of an office building or the owners, occupants or tenants and the services related thereto.

24. Political, Sign - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

25. Portable, Sign - A sign not permanently affixed or anchored to the ground or to a building or other structure and which is designed to permit removal and reuse, and which includes but is not limited to signs mounted on a trailer, wheeled carrier, motorized and nonmotorized vehicle, or other portable structure. (See Figure 9)

26. Projecting, Sign - A sign which is attached or affixed to a building, wall or structure other than a pole and which extends more than fifteen inches (15") from such wall or structure.

27. Real Estate (Temporary), Sign - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

28. Retail Shopping (Mall, Strip)/Office Center - A group of four (4) or more retail, office and/or commercial establishments and which is planned and developed (common access and parking) as a unit and which is related in its location, size and type of shops to the trade area that the unit serves.

29. Roof, Sign - A sign erected upon or above the roof of a building.

30. Setback, Sign - The horizontal distance between a sign and the front property line, as measured from that part of the sign, including its extremities and support, nearest to any point on any imaginary vertical plane projecting from the front property line (See Figure 3)

31. Sign - Means an outdoor structure, sign, display, light device, figure, painting drawing, message, plaque, poster, billboard or other thing that is visible from a public street and designed, intended, or used to advertise or inform.

32. Visibility Clearance Areas - Visibility clearance areas are triangular shaped areas located at the intersection of street right-of-ways and the intersection of street and driveway. The sides of the triangle extend twenty five (25) feet from the intersection of vehicle travel areas for street intersection, and fifteen (15) feet for intersections of streets and driveways. (See Figure 5; includes clearance areas for ground and free standing signs)

33. V-Type, Sign - A sign structure composed of two (2) signs with the faces oriented in opposing directions and in the general shape of the letter "V"; provided, however, that only one (1) face can be viewed from any one (1) direction from any public street, and with a maximum angle between the faces of sixty (60) degrees (See Figure 1)

34. Wall, Sign - A sign which is painted on or attached directly to a fence or a building surface of masonry, concrete, frame or other materials, including window areas (translucent areas which are visible from the street), that extends not more than fifteen (15) inches from the face of the fence or wall.

12-102 GENERAL PROVISIONS

1. A sign permit issued by the building official shall be required prior to the erection, repair, alteration or relocation of a sign as provided in Sections 12-103 and 12-104 except for routine maintenance or repair and/or replacement of sign faces. Acceptance of the permit shall require compliance by the applicant with all requirements of the city's construction codes.

2. Any sign requiring a permit incorporating any electrical lighting or wiring shall be repaired or improved by someone who is licensed and bonded for electrical work in the City of Odessa.

3. No sign shall be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersections, drive entrances and exits or any other point of traffic concentrations.

4. No sign shall be maintained within the triangular visibility clearance area formed by the intersecting street lines and a straight line connecting such street lines at points twenty-five (25) feet from the point of intersection measured along such street lines. No signs shall be maintained within the triangular area formed by the intersecting of driveway lines and street lines at points fifteen (15) feet from the point of intersection measured along such driveway and street lines. (See Figure 5)

5. Square footage for free standing signs may be increased by providing additional setback distance from the street frontage at the rate of two (2) square feet (over the fifty-five (55) percent maximum allowed size) for every one (1) foot of setback distance provided, but in no case shall the total business signs area exceed the maximum allowed for the different uses as specified in Section 12-105 (1-4).

6. Free standing signs shall maintain a minimum of nine (9) feet ground clearance area that will not exceed in width fifty (50) percent of the total width (horizontal) of the sign (see Figure 4). The nine (9) feet ground clearance area could be reduced by one (1) foot for every three (3) feet of sign setback, and could be increased in width over the maximum allowed of fifty (50) percent, by two (2) percent for every one (1) foot of sign setback. The maximum height for ground signs measured from the average grade shall be forty-two (42) inches. Any sign that does not meet the nine (9) feet ground clearance area shall meet the requirement for ground signs. A ground sign can be raised in height one (1) foot for every five (5) feet in sign setback.

7. Banners shall be allowed as additional attached signage if placed on private property advertising a temporary special sales event or grand opening. These banners shall not be used for a period that exceeds thirty (30) days.

8. Each business (including apartment complex) is entitled to three (3) flag poles, per street frontage, with height not to exceed the maximum allowed height in each zoning district (See Section 9-101). Flag setback shall meet the required setbacks specified for the zoning district where they are located. (See Section 8-401)

9. Billboard signs may be of the free standing, wall or roof type. Free standing billboard signs shall not exceed thirty-five (35) feet in height and roof or wall signs shall not exceed the height of the building on which such signs are attached or located and all billboard sign structures shall observe the same yards and setbacks required for buildings or other structures in the district on which they are located. No billboard sign shall be located nearer than one hundred twenty-five (125) feet to any residential district boundary line.

   Billboard signs shall not consist of more than two (2) panels and each such sign installation shall be separated from any other billboard sign installation by the following minimum distances:

   All billboards shall not be located closer than 500' to any other billboard sign. (For Additional Information See Section 12-103-3)

9A. (a) Electronic billboard signs may be of the free standing type. Free standing electronic billboard signs shall not exceed thirty-five (35) feet in height, except electronic billboards located on property fronting on Interstate Highway 20, which shall have a maximum height of 42 ½ feet. All signs must be placed in compliance with state and federal regulations, even if more restrictive than the foregoing regulations.

   (b) Electronic billboards shall observe the same yards and setbacks required for buildings or other structures in the district on which they are located.

   (c) No electronic billboard sign shall be located nearer then three hundred (300') feet to any residential district boundary line.

   (d) Electronic billboard signs shall not consist of more than one (1) panel <u>per side</u> and each sign installation shall be separated from any other billboard sign installation by the following minimum distances:

   All electronic billboards shall not be located closer than 700' to any other electronic billboard and 500' to any traditional billboard. (For Additional Information See Sections 12-103-3A)

   (e) A legal non-conforming billboard may be modified to an electronic billboard. However the following additional conditions must be met:

(1) Removal of another existing legal non-conforming billboard.

(2) Electronic billboard shall not be operated between the hours of 10:00 p.m. to 6:00 a.m. if it is within 300' of a residential district boundary line. Hours of operation to be continuous to accommodate emergency situations.

(f) An electronic billboard shall display static messages only that should maintain a hold time of at least eight (8) seconds and each message change must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign face.

(g) The sign shall not be configured to resemble or simulate a warning or danger signal or any official lights or signs used to control traffic. The sign shall not display light of such intensity to cause glare on adjacent property, impair vision, or otherwise result in a nuisance to the public. The sign shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on surrounding light conditions.

(h) The electronic billboard sign must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

(i) Upon notification from proper law enforcement agencies, public safety or emergency management authorities, the sign operators shall display emergency information, public service announcements and other safety alerts.

10. A temporary construction sign shall expire with the completion of the project and such sign shall be removed within thirty (30) days of the issuance of a Certificate of Occupancy.

11. A temporary project sign shall be removed at the completion of the project or within three (3) years of the date of erection of the sign, whichever occurs earlier.

12. One face of a V-Type sign shall be measured for area signage, provided that only one face can be viewed from any one direction from a public street and the angle between the faces not to exceed sixty (60) degrees. (See Figure 1)

13. MUNICIPAL BOARD - The City of Odessa shall appoint a Municipal Board on sign control as required by §216, of the Local Government Code. This board shall be responsible for determining the compensation required for the removal of any sign within the City of Odessa, if compensation is required by state law.

The board shall be composed of:

(a) Two real estate appraisers registered with the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers;

(b) One person engaged in the sign business in the municipality;

(c) One employee of the State Department of Highways and Public Transportation who is familiar with real estate valuations in eminent domain proceedings; and,

(d) One architect or landscape architect licensed by this state.

(A member of the board is appointed for a term of two (2) years.)

14. The decision to remove a sign that is illegal or nonconforming shall be made by the Municipal Board provided sufficient funds have been appropriated by the City Council. The priority of signs to be removed shall be based on aesthetics, traffic safety, the conditions that exist on surrounding property, the condition of the sign, the illegal or nonconforming status of the sign, and the cost to remove or to relocate the sign.

12-103 PERMANENT TYPE SIGNS

	Type Sign	Maximum Area	Zone Permitted	Specific Standards
1.	Apartment or Housing Project Identification Sign (including Mobile Home Projects)	40 Square Feet if wall type or 20 Square Feet if free standing	Permitted in any District where special housing types or special housing arrangements or apartments are permitted	One per street frontage See 12-101(1) Sign permit is required
2.	Apartment or Housing Project Informational Signs	Maximum of 2 Square Feet of sign per building unit within the complex	Permitted in any District where special housing types or special housing arrangements or apartments are permitted	See 12-101(2) Sign permit is required
3.	Billboard Sign	700 Square Feet	Permitted in HC, LI and HI Districts	See 12-102(9) Sign Permit Required
3A.	Electronic Billboard	700 Square Feet	Permitted in HC, LI, HI and PD Districts	See 12-102-9A Sign Permit Required
4.	Directional Sign	6 Square Feet	Permitted in all non-residential Districts	See 12-109 and 12-101(12) Sign permit is required
5.	General Business Sign	See 12-105	Permitted in P, NS, O, MC, R, R-1, LC, HC, CB-1, CB-2, LI and HI Districts and as specified in the PD Ordinance	See 12-101(15) and 12-104 Sign permit is required
6.	Institutional Identification Sign	32 Square Feet	Permitted in all Districts where institutions are allowed	One per street frontage See 12-101(19) Sign permit is required

	Type Sign	Maximum Area	Zone Permitted	Specific Standards
7.	Institutional Information Sign	2 Square Feet of signage for each 15 lineal feet of street frontage	Permitted in all Districts where institutions are allowed	See 12-101(20) Sign permit is required
8.	Name Plate (Residential)	2 Square Feet	Permitted in all Districts	One per residential dwelling unit
9.	Neighborhood Crime Watch Informational Sign	6 Square Feet in all residential districts Ord. 86-71	Permitted in all Districts	Allowed only at street intersections and street/alley intersections. No more than two crime watch signs per intersection, and not in the public right-of-way
10.	Office Identification Sign	See 12-105(2, 4 and 7)	Permitted in all Districts where office use is allowed	See 12-101(23) and 12-105(7) Sign permit is required
11.	Portable Sign	35 Square Feet	Permitted in O, MC, P, NS, R, R-1, LC, HC, CB-1, CB-2, LI, and HI Districts.	See Chapter 15C of the City Code of Ordinances

12-104 TEMPORARY TYPE SIGNS

	Type Sign	Maximum Area	Zone Permitted	Specific Standards
1.	Banners,	N/A	GR, MF-1, MF-2, MHE, and all non-residential Districts	See 12-101(4) and 12-102(7)
2.	Construction Sign	100 Square Feet	Permitted in all Districts	See 12-101(10)

	Type Sign	Maximum Area	Zone Permitted	Specific Standards
3.	Development Sign	200 Square Feet	Permitted in all Districts	See 12-101(11)
4.	Other Non-Commercial Signs	See 12-117	Permitted in all Districts	See 12-117(1-6)
5.	Political Sign	See 12-117	Permitted in all Districts	See 12-117 and 12-101(24)
6.	Real Estate Sign	10 Square Feet in all residential districts 40 Square Feet in all nonresidential districts	Permitted in all Districts	See 12-101(27)

12-105 Business (retail and office) signs may be of the free standing, wall, sloping roof, or canopy type. Free standing business signs may increase their height by one (1) additional foot (above the thirty (30) feet maximum allowed height) for each five (5) feet of setback from property line with the only exception stated in Section 12-106. Free standing business signs shall be limited to a maximum of fifty-five (55) percent of the total sign area specified in this section (Items #1-4), with the only exception stated in Section 12-102(5).

One (1) free standing business/shopping center (office, retail) sign shall be allowed per street frontage, except for lots that have a linear street frontage of one hundred fifty (150) feet or more, shall be allowed two (2) free standing business signs per street frontage, with a minimum separation of seventy-five (75) feet. On a corner lot, the longest linear street frontage shall be used in calculating the area of signs allowed on the lot. A minimum of seventy-five (75) square feet of signage shall be allowed for business (retail/office) signs, regardless of the linear street frontage of the lot where the business is located.

1. Individual businesses located on a separate lot or tract shall be entitled to a business identification sign, the maximum area in square feet of which is derived by one and seventy-five hundredths (1.75) times the linear feet of street frontage occupied by a separate business on its own lot or tract, but in no case shall total business sign area for the business or use exceed four hundred (400) square feet.

2. Individual offices located on a separate lot or tract shall be entitled to an identification sign, the maximum area of which is derived by one and one-half (1 ½) times the linear feet of street frontage of its own lot, but in no case shall total sign area exceed four hundred (400) square feet.

3. Where two to three (2-3) individual businesses or commercial uses exist on a separate lot or tract, each owner, occupant or tenant of a business or use shall be entitled to a business identification sign of the free standing, wall, sloping roof, or canopy type the maximum area in square feet of which is derived by one and seventy-five hundredths (1.75) times the linear feet of street frontage occupied by the businesses on the separate lot or tract, but in no case shall total business sign area for all the businesses or uses, collectively, exceed four hundred (400) square feet.

4. Where two to three (2-3) individual offices exist on a separate lot or tract each owner or tenant shall be entitled to an identification sign, freestanding, wall or canopy type, the maximum area of which is derived by one and one-half (1 ½) times the linear feet of street frontage of the separate lot, but in no case shall the total sign area for all the offices or uses collectively exceed four hundred (400) square feet.

5. A shopping center or combined commercial strip development is permitted to have a wall/canopy (for identification of the shopping center) or free standing (pole mounted or ground) signs, derived by one and

seventy-five hundredths (1.75) times the linear feet of street frontage to a maximum sign area of five hundred (500) square feet for all free standing signs and five hundred (500) square feet for all wall/canopy signs.

Individual stores/offices that have separate access to a street or parking lot shall be entitled to a wall mounted identification sign the maximum area of which shall be three (3) times the linear building frontage of the business to which the sign applies, but in no case shall the sign exceed four hundred (400) square feet. A shopping center shall be limited to one additional free standing cinema business sign with a maximum sign area of one hundred fifty (150) square feet. An exterior wall mounted cinema identification sign shall be limited to one hundred fifty (150) square feet.

6. A shopping mall is permitted to have a wall/ canopy (for identification of the shopping mall) or free standing, (pole mounted or ground) signs, derived by one and seventy five hundredths (1.75) times the linear feet of street frontage to a maximum of five hundred (500) square feet for all free standing signs and five hundred (500) square feet for all wall/canopy signs.

Exterior wall signage shall be limited to anchor stores (those stores exceeding 20,000 square feet in floor area) and cinemas. The maximum allowable sign area (in square feet) for an anchor store shall be derived by three (3) times the linear building frontage to which the sign applies up to a maximum of four hundred (400) square feet for all signs. A shopping mall shall be limited to one additional free standing cinema business sign with a maximum sign area of one hundred fifty (150) square feet. An exterior wall mounted cinema identification sign shall be limited to one hundred fifty (150) square feet.

Individual offices/businesses that have separate access to a street or parking lot shall be entitled to a wall mounted identification sign the maximum area of which shall be three (3) times the linear building frontage of the office to which the sign applies, but in no case shall the sign exceed two hundred (200) square feet.

7. An office center is permitted to have a wall/canopy (for identification of the office center) or free standing (pole mounted or ground) signs, derived by one and seventy-five hundredths (1.75 times the linear feet of street frontage to a maximum sign area of five hundred (500) square feet for all free standing signs and five hundred (500) square feet for all wall/canopy signs.

Individual offices/businesses that have separate access to a street or parking lot shall be entitled to a wall mounted identification sign the maximum area of which shall be three (3) times the linear building frontage of the office to which the sign applies, but in no case shall the sign exceed two hundred (200) square feet.

12-106 No free standing business (commercial) sign shall be constructed to exceed the maximum height permitted of thirty (30) feet above grade level, except for the following highway oriented uses:

1. Gasoline service stations
2. Service stations for motor fuels of all types
3. Motor vehicle parts, sales and repair service businesses
4. Motor vehicle sales, rental and or storage
5. Restaurants of all types
6. Hotels and motels
7. Recreational vehicle parks
8. Combinations of the above noted uses commonly referred to as truck stops
9. Any other businesses not noted above that can be reasonably interpreted as highway oriented.

The above mentioned highway oriented uses shall be allowed signs up to fifty (50) feet in height and shall comply with the City of Odessa building code as to design and construction.

This section shall apply only to the following highways:

--U.S. Highway 80, east of the intersection of 8th and 2nd Streets
--State Highway 191 east of its intersection with East Loop 338
--Interstate Highway 20 and
--U.S. 385 north of Yukon Rd. and south of I-20

Highway oriented business signs shall meet the required setback specified for the zoning district where they are located (See Section 8-401, Zoning Ordinance).

12-107 Apartment or housing project identification signs may be of the wall or free standing type. Wall signs shall not project more than fifteen (15) inches from the face of the wall and free standing type signs shall not be located nearer than twenty (20) feet to any property line except informational signs not exceeding two (2) square feet in area may be located within two (2) feet of the property line.

12-108 Institutional identification signs may be of the wall or free standing type, however no free standing sign on the premises of any institution in a residential district shall be located nearer than ten (10) feet to any property line.

12-109 Directional signs are allowed in addition to the total allowable signage which is derived by the lot and/or building frontage. The maximum area allowed for each directional sign shall be six (6) square feet. The maximum height allowed shall be forty-two (42) inches above adjacent grade. One sign per street access shall be allowed.

12-110 No sign permitted in any residential district shall be illuminated. Illumination shall mean either direct, indirect or internal lighting by any source or means.

12-111 No sign shall be located or constructed so as to interfere with or confuse the control of traffic on the public streets and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal.

12-112 Free standing signs on individual lots shall not be placed closer to a side lot line than a distance equal to one fourth (1/4) of the lot frontage (see Figure 6). On lots that have one hundred (100) feet or more of street frontage, a free standing sign shall not be placed closer than twenty (20) feet to a side lot line. The free standing sign separation shall not apply to the side lot line abutting the street or alley, and for lots that have fifty (50) feet or less in street frontage.

12-113 No sign shall be erected so as to project into the public right-of-way of any street or alley, except in the CB-1, Central Business District-1. In the CB-1, Central Business District-1, any projecting sign shall not extend outward from any building face to the public right-of-way for a distance of more than ten (10) feet or to within twenty-four (24) inches of the street curb, whichever is more restrictive. Minimum clearance of nine (9) feet is required (See Figure 4)

12-114 No provision of this Ordinance shall supersede or replace any other Ordinance of the City of Odessa, having to do with sign standards, materials or construction except the provisions of this Ordinance pertaining to the use of the various types of signs in the various districts and the size, height and location of such signs shall take precedence over all other ordinances, regulations and standards.

12-115 In a PD, Planned Development District, the sign standards shall be specified in the amending ordinance.

12-116 SUPPLEMENTAL REGULATIONS:

Additional sign area:
The following signs which shall be allowed only in non-residential zoning districts, require a permit but shall not be used in computing allowed sign area.

1. Time and temperature signs without advertising matter.

2. Free standing ground menu boards for drive-through restaurants, provided that all setbacks are met and that the sign does not exceed thirty-two (32) square feet in size and six (6) feet in height.

3. Official flags of government jurisdictions, including flags indicating weather conditions, religious, charitable, public and nonprofit organizations.

12-117 NON-COMMERCIAL SIGN REGULATIONS

1. Definitions: For the purpose of determining the meaning of certain words used in Section 12-117, the following definitions are provided:

   (a) "Commercial Sign" - A sign with a message placed or caused to be placed before the public by a person or business enterprise involved that

      (1) Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or

      (2) Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or hire.

   (b) "Drill Reservation" - Any drill site or reservation in any zoning district.

   (c) "Non-Commercial Sign" - A sign that is not a commercial sign and is subject to the regulations of Section 12-117.

   (d) "Other Non-Commercial Sign" - Any other sign referenced in the zoning ordinance, such as "Name Plate", which has a non-commercial message and is subject to other provisions of the zoning ordinance and not Section 12-116.

   (e) "Residential Lot" - Any area in a residential district except for drill reservations.

   (f) "Non-Residential Lot" - Any area in a non-residential zoning districts listed in the zoning ordinance as FD, U, P, O, MC, NS, R, R-1, CB-1, CB-2, LC, HC, LI, HI, and PD.

2. General regulations: The following general regulations shall apply to Section 12-117:

(a) A non-commercial sign may be used any place that a commercial sign or other non-commercial sign referenced in the zoning ordinance may be used subject to the same terms, conditions and restrictions placed on the commercial sign or other non-commercial sign.

(b) A non-commercial sign may also be used under circumstances and conditions when a commercial sign or other non-commercial sign referenced in the zoning ordinance would not be permitted when the non-commercial sign is in compliance with all of the provisions of this section or other ordinances that do not pertain to the content of the message displayed.

(c) If any part of such sign is commercial, it shall be subject to the applicable sign conditions and restrictions contained elsewhere in the zoning ordinance and not Section 12-117.

3. Special Residential Lot Regulations:

(a) On residential lots the following areas and location regulations shall apply to non-commercial signs:

(1) The total sign square footage per lot within twenty (20) feet of back of the curb shall not exceed ten square feet.

(2) The total sign square footage with a setback of at least twenty (20) feet from back of the curb shall not exceed thirty-two (32) square feet.

(b) On residential lots, the following height requirements shall apply to non-commercial signs:

(1) The height of the sign shall not exceed three (3) feet within twenty feet from behind the curb.

(2) The height of the sign shall not exceed eight (8) feet with a setback of at least twenty (20) feet from behind the curb.

(c) The period of display shall be as follows:

(1) Temporary - Unless the non-commercial sign satisfies all of the requirements in subsection (2), it shall be displayed on a temporary basis only. The period of display shall not exceed ninety-five (95) days. A thirty (30) day extension for removal of any non-commercial sign may be obtained from the Director of Planning by submitting a prior written request if there is a need based on changed circumstances. If the ninety-five (95) days expires and there is no

approved extension, the sign with the same message must be removed for a period of at least ninety-five (95) days.

(2) Permanent - All non-commercial signs that are permanent shall satisfy the following additional requirements which shall supersede all other requirements in conflict:

(A) Maximum area - Six (6) square feet.

(B) Number - If such sign can be observed from a street or alley, there shall be a limit of two per street intersection or alley intersection.

(C) Construction - Permanent and not portable.

(D) Registration - If a permanent sign can be observed from street or alley, the owner of the property must obtain a permit from the Planning Department. "Neighborhood Crime Watch Signs" shall be registered with the Police Department.

4. Special Drill Reservation Regulations:

(a) On all drill reservations, the following sign area and location regulations shall apply to non-commercial signs:

(1) No sign may be placed within twenty (20) feet of back of the curb.

(2) There shall be a one hundred (100) foot separation between each sign placed on the drill site.

(3) The total sign square footage per each sign with a setback of at least twenty (20) feet shall not exceed thirty-two (32) square feet.

(b) The height of a sign shall not exceed eight (8) feet.

(c) A permit shall be required for all non-commercial signs as provided in Section 12-117-1. The consent of the owner shall specifically be required.

(d) A non-commercial sign shall be displayed on a temporary basis only.

The period of display shall not exceed ninety-five (95) days. A thirty (30) day extension for removal of any non-commercial sign can be obtained from the Director of Planning by submitting a prior written request if there is a need based on changed circumstances. If the ninety-five (95) days expires and there is no approved extension, the sign with the same message must be removed for a period of at least ninety-five (95) days.

5. Non-Residential Lots:

(a) On all non-residential zoning districts, the following sign area and location regulations shall apply to non-commercial signs:

(1) No sign may be placed within fifteen (15) feet of back of the curb.

(2) There shall be a maximum of one (1) sign per lot, except where a lot frontage exceeds one hundred (100) feet, additional signs can be located on such a lot, but shall maintain one hundred (100) foot separation between each sign.

(3) The total sign square footage per each sign shall not exceed thirty-two (32) square feet.

(b) The height of a sign shall not exceed eight (8) feet.

(c) A permit shall be required for all non-commercial signs as provided in Sec. 12-117-1. The consent of the owner shall specifically be required.

(d) A non-commercial sign shall be displayed on a temporary basis only.

The period of display shall not exceed ninety-five (95) days. A thirty (30) day extension for removal of any non-commercial sign can be obtained from the Director of Planning by submitting a prior written request if there is a need based on changed circumstances. If the ninety-five (95) days expires and there is no approved extension, the sign with the same message must be removed for a period of at least ninety-five (95) days.

6. Construction Requirements: The following construction requirements shall be applicable to all non-commercial signs:

(a) On residential lots all non-commercial signs that are in excess of ten (10) square feet shall be single face and placed so as to be parallel to the street from which the sign would be observed.

(b) No sign permitted in a residential area shall be illuminated. Illumination shall mean either direct, indirect or internal lighting by any source or means.

(c) No sign shall be erected so as to project into the public right-of-way of any street or alley or in the area of the intersection visibility clearance areas as defined in Sec. 12-101(32).

(d) Non-commercial signs shall comply with all applicable building codes.

7. Inapplicability of Regulations to Political Sings:

(a) Except as provided in subsections (b) and (c) below, a sign that contains primarily a political message and that is located on private real property with the consent of the property owner, may not be:

(1) prohibited from being placed on the private real property;

(2) required to have a permit or approval of the municipality;

(3) charged a fee;

(4) restricted in size; nor

(5) charged for the removal of the political sign at an amount greater than the charge for removal of other signs regulated by ordinance.

(b) Subsection (a) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(c) Subsection (a) does not apply to a sign that:

(1) has an effective area greater than 36 square feet,

(2) is more than eight feet high;

(3) is illuminated; or

(4) has any moving elements.

(d) In this section "private real property" does not include real property subject to an easement or other encumbrance that allow a municipality to use the property for a public purpose.

12-118 NONCONFORMING SIGNS

Nonconforming signs are those which do not conform to the zoning regulations but which were lawfully in existence prior to the adoption of the applicable zoning regulation or were subsequently annexed into the City. Whenever a nonconforming sign is abandoned, all nonconforming rights shall cease. Abandonment shall involve the intent of the user or owner to discontinue the use of the sign and the actual act of discontinuance. Any nonconforming sign which serves a business location and/or building that has been discontinued for a period of six (6) consecutive months shall be presumed to have been abandoned. A nonconforming sign may remain in place and continue to be used unless the nonconforming status is lost by reason of one or more of the following conditions:

1. The sign foundation or structure is replaced. However, the nonconforming status will not be lost if there is only a replacement of the face to accommodate a new business, express a different message and upgrade conditions and appearance of the sign.

2. The sign is relocated.

3. The sign is damaged or structurally altered to an extent greater than sixty (60) percent of the current estimated replacement value.

4. The sign is removed by the City following the procedures established by Chapter 216 of the local government codes.

12-119 Any sign which constitutes a hazard to persons or property shall be removed within ten (10) days after written notice from the Director of the Department of Planning or his/her appointed representative. The City Council shall have the authority to grant a time extension not exceeding an additional thirty (30) days for removal. Should the responsible party or parties, after due notice (if such responsible party can be located after diligent search), fail to remove a dangerous or defective sign, or any sign that endangers the public safety, the City Council shall cause such signs and

their supports to be demolished and removed. The City shall recover the costs of all such work from the property owner or owner of the sign. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, the City may destroy, sell or otherwise dispose of the sign.

If a sign presents an eminent danger to persons or property, the City can take such action as necessary to eliminate such danger without regard to period listed herein.

12-120 SEXUALLY ORIENTED BUSINESS SIGNS

The following requirements regarding signage and the exterior portions of a sexually oriented business shall apply and it shall be an offense not to comply with these requirements:

1. Premise advertisements, displays or other promotional materials for a sexually oriented business, which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", shall not be shown or exhibited so as to be visible to the public from public spaces located outside the business premises.

2. Notwithstanding the City Zoning Ordinance, Building Code or any other city ordinance, code, ore regulation to the contrary, it shall be unlawful for the owner or operator of any sexually oriented business to maintain or have maintained by another person, more than one free standing sign and more than one wall sign which must be located on the premises of a sexually oriented business.

3. The free standing sign shall not exceed one structure or device. Such free standing sign shall:

   (a) be a flat plane and rectangular in shape;

   (b) not exceed seventy-five (75) square feet in area composed of existing lines including the outer extremities of all letters, symbols, figures, character and delineations or the framework as background whichever lines include the larger area. Double faced lines shall count as one face provided that the faces are back-to-back, parallel and not more than twenty-four (24) inches apart;

   (c) not to exceed twenty-two (22) feet in height and have a minimum of nine (9) feet clearance; and

   (d) not contain any moving parts, lasers, search lights, flashing lights, reflectors, photographs, silhouettes, drawings or pictorial representations of any manner.

4. Wall signs shall have only one (1) display surface. The surface display shall:

   (a) be a flat plane and rectangular in shape not to exceed 18 inches in thickness;

   (b) not exceed twenty-five (25) square feet;

   (c) be affixed flat against any wall or door of the business; and

   (d) not contain any moving parts, lasers, search lights, flashing lights, reflectors, photographs, silhouettes, drawings or pictorial representation of any manner.

5. Free standing and wall signs may contain only:

   (a) the name of the enterprise; and/or

   (b) one (1) or more of the following phrases; adult bookstore, adult movie theater, adult encounter parlor, adult cabaret, adult lounge, adult novelties, adult entertainment and adult modeling studio and gentlemen's club.

   (c) free standing sign for adult theaters may contain the additional phrase of a movie title.

6. The sign of any sexually oriented business lawfully operating on the effective date of this Ordinance, that is registered with the director of planning as a nonconforming use, by filing an application with the chief of police for a license prior to November 1, 1996, and that is in violation of the sign regulations in Section 12-120 of the Zoning Ordinance, shall be deemed a nonconforming use and it shall not be an offense under Section 12-120 while such nonconforming status for such sign is in effect. The nonconforming use will be permitted to continue unless terminated or abandoned for any reason or voluntarily discontinued for a period of six (6) months or more. Any nonconforming use which is discontinued or which remains vacant for a period of six (6) months shall be considered to have been abandoned. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

7. It shall be unlawful for an owner, licensee, or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

PORTABLE SIGNS (Chapter 15C) (Code of Ordinances)

15C-1 Definitions:

(a) "Sign" - Means an outdoor structure, sign, display, light device, figure, painting drawing, message, plaque, poster, billboard or other thing that is visible from a public street and designed, intended, or used to advertise or inform.

(b) "Portable Sign" - A sign not permanently affixed or anchored to the ground or to a building or other structure and which is designed to permit removal and reuse, and which includes but is not limited to signs mounted on a trailer, wheeled carrier, motorized and nonmotorized vehicle, or other portable structure. (See Figure 9)

(c) "Right-of-way" - All public right-of-way of streets or other public property within the city.

(d) "Director" - Director of Planning and Development or any duly authorized representative.

(e) "Visibility Clearance Areas" - Visibility clearance areas are triangular shaped areas located at the intersection of street right-of-ways and the intersection of street and driveway. The sides of the triangle extend twenty five (25) feet from the intersection of vehicle travel areas for street intersection, and fifteen (15) feet for intersections of streets and driveways. (See Figure 5; includes clearance areas for ground and free standing signs)

(f) "Retail Shopping (Mall, Strip)/Office Center" - A group of four (4) or more retail, office and/or commercial establishments and which is planned and developed (common access and parking) as a unit and which is related in its location, size and type of shops to the trade area that the unit serves.

(g) "Off-site" - Any location other than the site where the products, goods, services or business advertised are located.

(h) "Street" - Shall mean the area from back-of-curb to back-of-curb and from pavement edge to pavement edge, if no curb exists.

15C-2 Permit: Prior to the use or placement of any portable sign, a permit must be obtained pursuant to the following terms and conditions:

(a) A portable sign permit may be issued for a business, office, or use (not within a shopping (mall, strip)/office center, retail) for the placement of a portable sign for a period not to exceed sixty (60) days. No permit for the same business and/or location shall be issued until thirty (30) days has elapsed since the previous permit has expired. Said portable sign shall be physically removed from the referenced location upon expiration of the permit.

(b) A portable sign permit may be issued for retail shopping (mall, strip)/office centers for the placement of a portable sign for a period not to exceed sixty (60) days. No permit shall be issued for the placement or location of a portable sign, for the same business, office or use until a period of thirty (30) days has elapsed since the previous permit has expired, and in no case shall any shopping center, or combined commercial, retail or office development display or be permitted for more than three (3) portable signs per major street frontage. In addition, the center must maintain a distance of one hundred fifty (150) feet between portable signs and more than one (1) sign cannot be permitted unless the one hundred fifty (150) foot distance can be maintained.

(c) Portable signs shall be located no closer than fifteen (15) feet to the street and a greater distance if necessary to be located off of the right-of-way. In no case shall the portable sign be located within the public right-of-way. Further, said signs shall not be located in the area described as the visibility clearance areas.

(d) Portable signs shall not exceed thirty-five (35) square feet in area.

(e) Portable signs shall permanently display on the sign in easily readable form the name, address, city, zip code and telephone number of the owner of said sign.

(f) Portable signs may be internally or indirectly lighted; however, such light or lights shall not be of a flashing, intermittent, moving or similarly lighted type. Any accessory lighting, if present, surrounding the message display area, shall contain only white, nonflashing bulbs.

(g) Unsafe signs listed in Section 15C-3 shall not be eligible for a permit.

(h) Permits for portable signs shall be obtained from the Department of Planning and Development, City of Odessa. Said permits shall be obtained for each sign, location and period of installation. A fee of twenty-five dollars ($25.00) will be charged for each approved permit.

(i) No sign, portable or otherwise, shall be placed so as to project into the public right-of-way of any street or alley, except as otherwise provided in the City Code of Ordinances.

(j) Permits obtained pursuant to this article shall satisfy any permit requirements in the building code.

(k) Portable signs shall be allowed in the following zoning districts: O, MC, P, NS, R, R-1, LC, HC, CB-1, CB-2, LI and HI.

15C-3 Unsafe signs prohibited: It is hereby expressly declared that the following signs are in fact unsafe signs causing immediate danger, and it shall be the duty of the owner of the sign, the lessee of the sign, the owner of the property on which the sign is located, and the owner and manager of any business advertised on the sign to immediately remove the sign, or correct the unsafe conditions, and the refusal to do so will constitute a violation of this article:

(a) Any sign erected, placed, used, altered, or maintained in the public right-of-way.

(b) Any portable sign or sign-supporting structure which is located within the area defined as the visibility clearance areas.

(c) Any portable sign which is not in compliance with the City of Odessa zoning ordinance.

(d) Any portable sign which becomes insecure, in danger of falling, or otherwise unsafe, or any portable sign which is erected or maintained in violation of the provisions of the City of Odessa building code.

(e) Any portable sign located nearer than fifteen (15) feet from the street.

(f) Any portable sign which is located or constructed so as to interfere with or confuse the control of traffic on the public streets and any portable sign which uses a rotating beacon, beam or flashing illumination.

(g) Any signs which resemble an official traffic sign or signal or which bear the words "stop," "go slow," "caution," "danger," "warning," or similar words are prohibited.

(h) Any portable signs located off-site and used for commercial purposes including advertising products, goods, service or information for businesses or offices, are prohibited.

15C-4 Impoundment:

(a) The owner or occupant of any property upon which there is located a sign in violation of this article or the owner or lessee of any portable sign which is in violation of this article as herein defined shall be given written notice by the director of planning and development or any authorized representative stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

(b) If the owner, lessor, lessee, or the representative of the lessor of the portable sign fails to remove such sign within seventy-two (72) hours of written notification from the director of planning and development or a duly authorized representative, or by publication if the address is unknown, the portable sign may be removed by the city at the expense of the sign owner or the person erecting, leasing, using, or maintaining it.

(c) Any portable sign so removed shall be subject to a fee of fifty dollars ($50.00) for hauling the sign to the city storage area plus a ten dollar ($10.00) per day storage fee for each day the sign is stored by the city.

(d) Any portable sign so removed from public or private property shall be stored or impounded by the city until all applicable charges have been paid, or until thirty (30) days have passed.

(e) If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within such thirty-day period, the city may destroy, sell or otherwise dispose of the sign. If sold, the sign shall be marked by city personnel and shall not be brought back inside the city limits for display. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one; thereafter, all days including weekends and holidays shall be counted.

(f) The director or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this article to examine signs or their location, obtain information as to the ownership of signs and to remove or cause the removal of a sign declared to be a nuisance pursuant to this article.

(g) The issuance of a notice of violation as referenced in Section 15C-4(a) shall not preclude the issuance of a criminal citation for the violation of this chapter.

15C-5 Appeal procedures:

(a) Any person who is required to remove or modify a portable sign as a result of this article may, within a seventy-two-hour period after the service of notice is given, request in writing, a hearing to determine whether he or she is in violation of this article. If a person does request the hearing, it will be held (after notice is given to the person appealing,) before the director of planning and development within five (5) days of the date the request is received, at a time to be determined by the director.

(b) If the director, after considering the evidence, decides that the sign in question is in fact in violation of this article then the sign shall be removed or brought into compliance within seventy-two (72) hours from the time the director's decision is rendered.

(c) This section shall not in any way negate the right of the city to immediately remove any portable sign creating real and immediate danger to life or property.

15C-6 Applicability: The provisions of this ordinance shall be applicable to all portable signs in the City of Odessa and non-conforming status or rights will not be granted to existing portable signs.

13-100 FENCE AND WALL REGULATIONS

IN ANY RESIDENTIAL DISTRICT OR ALONG THE COMMON BOUNDARY BETWEEN ANY RESIDENTIAL OR NONRESIDENTIAL DISTRICT WHERE A WALL, FENCE OR SCREENING SEPARATION IS ERECTED, THE FOLLOWING STANDARDS FOR HEIGHT AND DESIGN SHALL BE OBSERVED:

13-101 HEIGHT OF FENCE OR WALL

1. Any fence or wall erected on the side property line and located to the rear of the minimum required front yard as determined by the provisions of 8-401 shall not exceed eight (8) feet in height above the adjacent grade. Interior fences in commercial or industrial districts erected on or behind the required front, side or rear yard line shall be subject to the same height restrictions as buildings in the specified districts in which the fence is located.

2. Any fence or wall in residential districts erected on the property line across the front of the lot shall not exceed four (4) feet in height above the adjacent grade except as provided in 8-402(13) and (14) and such fence may be increased in height one (1) foot for each six (6) feet it is set back from the property line to a maximum of eight (8) feet. The height of the fence shall be referenced to the highest adjacent grade.

3. No fence, screen, wall, tree or shrub planting or other visual barrier shall be located, placed or maintained in such a manner as to obstruct the vision of a motor vehicle driver approaching any street intersection. At all street intersections clear vision shall be maintained across the lot for a distance of twenty (20) feet back from an existing property corner or from a projected property corner along both intersecting streets.

13-102 SCREENING WALLS OR VISUAL BARRIERS AND OPEN SPACE

1. Any screening wall or fence required under the provisions of the Planned Development District shall be constructed of masonry or with a concrete or metal frame supporting a permanent type wall or fence material which does not contain openings constituting more than forty (40) square inches in each one (1) square foot of wall or fence surface and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

2. No open storage of commodities, materials or equipment for sale or display shall be permitted in any residential or office district. All commodities and materials offered for sale and displayed in the open in the

R-1, LC, CB-1, CB-2, LI or PD-I Districts shall be located back of the minimum required front yard line. In the NS and R Districts, no open storage operation shall be permitted except as an accessory use and all such open storage operations shall be located behind the main building and screened with a visual barrier as herein prescribed except for temporary outdoor sales as defined by 21-101(146).

14-100 CREATION OF A BUILDING SITE

NO PERMIT FOR THE CONSTRUCTION OF A BUILDING OR BUILDINGS UPON ANY TRACT OR PLOT SHALL BE ISSUED UNTIL A BUILDING SITE, BUILDING TRACT OR BUILDING LOT HAS BEEN CREATED BY COMPLIANCE WITH ONE OF THE FOLLOWING CONDITIONS:

14-101 The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and filed in the Plat Records of Ector County.

14-102 The site, plot or tract is all or part of a site plan officially approved by the Planning and Zoning Commission in a Planned Development District after favorable action by the City Council, which site plan provides all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas and such easements, alleys and streets have been required and properly dedicated and the necessary public improvements provided.

14-103 The plot, tract or lot faces upon a dedicated street and was separately owned prior to December 28, 1971, or prior to annexation to the City of Odessa and the boundaries of which have not been changed even though the ownership may have changed, whichever is applicable, and no main building exists on the plot, tract or lot, in which event a Building Permit for only one main building may be issued on each such original separately owned parcel without first complying with 14-101 and 14-102.

15-100 SITE PLAN APPROVAL/PLAT APPROVAL

15-101 APPROVAL OF A SITE PLAN SHALL BE REQUIRED FOR ALL DEVELOPMENT INVOLVING THE FOLLOWING:

1. A Planned Development District
2. A Specific Use Permit
3. A Shopping Center

4. An Apartment Project

5. A Mobile or HUD-Manufactured Home Park Having More Than Ten (10) Units

6. Reduce the twenty-five (25) ft. Front Yard Building Setback

7. Special Housing Arrangement - this will include single family attached as well as housing units arranged on the site in a manner differing from the specific lot, yard spacing and access arrangement established for the conventional residential district including patio homes and staggered building line arrangements.

8. Any development where more than one main building or use is proposed on a lot or tract.

9. A Mobile or HUD-Manufactured Home Park Having Ten (10) Units or Less

10. Amending Plats -- includes correction of a distance, monument, lot and block numbers and relocate lot or easement line.

For any development involving categories 1 and 2, approval shall be by the City Council after review and recommendation of the Planning and Zoning Commission. For any development involving categories 3, 4, 5 and 6, approval shall be by the Planning and Zoning Commission with appeal to the City Council. Approval of categories 7, 8, 9 and 10 shall be by the Director of Planning with appeal to the Planning and Zoning Commission and City Council. All appeals may be requested by either the developer/property owner or City Staff. Appeals on plats or site plans shall be submitted in writing to the Planning Department within ten (10) days from the date action is taken by the Planning and Zoning Commission or staff. The City Council or Planning and Zoning Commission shall hear the appeal within thirty (30) days from the date the Planning and Zoning Commission or staff, respectively, acted on the plats or site plans.

When 20 percent or more of the owners required to be notified protest a proposed replat, the case shall automatically be appealed to the City Council for final approval.

The Director of Planning is authorized to approve the site plans for special housing arrangement and any development where more than one main building or use is proposed on a lot or tract and a mobile or Hud-manufactured home park having ten (10) units or less subject to the terms and conditions which are reasonable, necessary, not in conflict with other City ordinances and related to the following subjects: open space, off-street

parking, special traffic requirements, hours of operation, noise, sanitation, glare, utilities, setbacks, spacing, height, density, coverage and emissions.

15-102 The Site Plan for any of the types of development listed in 15-101 which may not be approved by the Director of Planning shall be submitted to the Planning and Zoning Commission through the Director of Planning for review as to compliance with the standards herein contained and as to the health, welfare and safety aspects of the proposal and as to access for public safety purposes and the relationship of the proposed development to the use, function and enjoyment of adjacent property. If the Site Plan involves district or a specific permit based upon an application for amendment to this Ordinance, the Planning and Zoning Commission shall call a public hearing and give notice of same as is provided for amending this Ordinance. In all cases involving a site plan for development of a planned development district or a specific use permit, written notice of public hearing on the proposed change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested.

15-103 The recommendation of the Planning and Zoning Commission relative to any Site Plan involving subsections (1) and (2) of Section 15-101 shall be forwarded to the City Council for final action. The City Council shall either affirm, modify or alter the decision of the Planning and Zoning Board relative to any such Site Plan.

15-104 A Site Plan submitted to the Planning and Zoning Commission or to the Director of Planning for action shall contain the appropriate following elements:

1. A scale drawing at one inch equals 100 feet or larger showing all streets (public or private), building sites, any existing platted lots or blocks, areas proposed to be dedicated for street, drainage, park or utility purposes, points of ingress and egress, topography at five (5) foot contour intervals and specific areas proposed for types of land use and any special building or fence lines.

2. Where buildings greater than one (1) story in height and other than single-family detached dwellings on lots are proposed, the elevation or a diagramatic section of such buildings may be required and such drawing shall clearly indicate the relationship and influence of such proposed buildings on the exposure of and the light and air access to adjacent properties.

3. Where the exposure of nonresidential, mobile or hud-manufactured home park or multiple-family residential uses to developed single-family areas adjacent is determined to require a screening separation to protect the use and value of the single-family areas, a site plan shall indicate the location and nature of such screening and the approved screening shall be installed as part of the development shown by the site plan.

15-105 Any or all Site Plan requirements may be delineated on a single drawing if such drawing is clear and capable of evaluation by the Planning and Zoning Commission and the Building Official.

15-106 LANDSCAPE INCENTIVES (Definitions and Rules of Construction)

1. Development - Includes the improvement of land by construction, reconstructing, renovating, remodeling, substantially removing, or building structures or parking lots on said land.

2. Landscaping - Creating a desired effect that meets the requirements of this ordinance by using a combination of plant material, including but not limited to grass, trees, shrubs, flowers, planters, berms, natural forms, water forms and other landscape features, including the use of pavers and colored texturized concrete, but not including regular concrete (such as the minimum required sidewalk) or asphalt.

3. Nontechnical or Technical Words - Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

4. Property Owner - Shall extend and be applied to individuals, associations, corporations, partnerships, bodies politic, and shall include managers, tenants, and others who have care, custody, and control of property subject to this ordinance.

5. Residential - Single-family dwellings, including mobile homes, duplexes, and dwellings situated on zero lot lines, but shall not include any multiple-family dwelling or any building, or portion thereof, which is designed, built, rented, leased, or let as four (4) or more dwelling units. Multiple-family dwellings ordinarily include apartments and apartment complexes.

15-107 Application of Landscape Ordinance

1. New Development Only - This ordinance shall apply only to the development that occurs after the adoption of this ordinance. Any existing development or structure undergoing a substantial renovation, remodeling, or change in its use may take advantage of the provisions of the ordinance if the costs of such renovations exceed fifty percent (50%) of the appraised value of the existing development as determined by the Ector County Appraisal District.

2. Non-Residential Only - This ordinance shall apply to all development other than residential development as defined herein.

3. Plan and Inspections - In order to take advantage of either of the landscaping options mentioned herein, prior to the issuance of a building permit, two (2) copies of a landscape plan should be submitted, along with a site plan, to the building inspection department of the City of Odessa. The landscape plan should meet the following criteria:

   (a) must be drawn to scale with all dimensions shown;

   (b) the area to be landscaped must be clearly shown.

15-108 Provisions of Landscape Ordinance

1. In lieu of meeting the parking requirements mandated by the zoning ordinance, any non-residential use or development required to have thirty or more parking spaces may substitute ten percent (10%) of their parking requirements in exchange for the installation of landscaping consisting of five percent (5%) of the total lot area of the property on which the development occurs.

2. If a non-residential property owner installs five percent (5%) of the total area of the property on which the development occurs in landscaping (on either the lot or the adjacent street right-of-way) the City will waive building permit fees associated with the development of that property.

3. A property owner can choose either Section 15-108(1) or 15-108(2) but not both.

4. Landscaping provided under this provision should be adequately maintained.

15-109 Recommended Landscaping

A list of plants which are recommended for this climate shall be made available at the Parks Department and the Building Inspection Department.

16-100 NONCONFORMING USES AND STRUCTURES

16-101 A NONCONFORMING STATUS SHALL EXIST UNDER THE FOLLOWING PROVISIONS OF THIS ORDINANCE:

1. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance or which was subsequently annexed into the City and has been operating since without discontinuance.

2. When on the effective date of this Ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the previous Zoning Ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which such site use or structure is located.

16-102 Pursuant to the provisions of 17-104(2a), a nonconforming building may be expanded within the limits of the lot or tract upon which such nonconforming use or building was located as the lot or tract existed prior to the effective date of this Ordinance, except that off-street parking space located off the lot or tract on which the nonconforming use is located but within two hundred (200) feet of such lot or tract may be approved by the Board of Adjustment subject to any specific conditions and restrictions which the Board of Adjustment may prescribe in their action.

16-103 Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

16-104 A change of occupancy from one nonconforming use to another nonconforming use may be made by securing a Certificate of Occupancy provided such change is to a use permitted in a zoning district where the original nonconforming use would be permitted or provided that such use change is to a use permitted in a more restrictive classification provided further that such change of use and occupancy will not tend to prolong the life of a nonconforming structure.

16-105 Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy.

16-106 Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth be in conformance to this Ordinance.

Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for a period of six (6) months, shall be considered to have been abandoned.

16-107 If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming use not exceeding sixty (60) percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Board of Adjustment, but the size and function of the nonconforming use shall not be expanded.

17-100 BOARD OF ADJUSTMENT

17-101 ORGANIZATION

There is hereby created a Board of Adjustment consisting of four (4) members and a chairman, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Members heretofore appointed shall serve until their successors are appointed at the end of their term, unless removed as hereinabove set forth. Provided, however, that the Mayor may appoint four (4) alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so, so that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of the four (4) members. The alternate members shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

17-102 PROCEDURE

The Board of Adjustment shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Ordinance or Statutes of the State of Texas. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

17-103 APPEALS

1. Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer, department or board of the municipality affected by the decision of the Building Official. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

3. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by depositing such notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made and by publishing notice of such hearing in a newspaper of general circulation in the City of Odessa. Both the mailed and published notice shall be given at least ten (10) days prior to the date set for the hearing. At the hearing, any party may appear in person or by attorney or agent.

17-104 JURISDICTION

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards authorize the following:

1. To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Building Official in the enforcement of this Ordinance.

2. Special Exceptions:

a. Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building or the reconstruction, extension or enlargement of a building which is nonconforming as to area provided the area nonconformity if not increased or the reconstruction of a structure destroyed by fire or the elements not to exceed sixty (60) percent of its reasonable value and the addition of off-street parking or off-street loading to a nonconforming use.

b. Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this Ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners or on request of the City Council or Planning and Zoning Commission inquire into the existence, continuation or maintenance of any nonconforming use within the City.

c. Permit the location on a lot occupied by a single-family detached dwelling of a mobile or hud-manufactured home subject to such spacing, health, sanitation, access, parking and occupancy standards as the Board of Adjustment may prescribe.

d. Permit the reduction in off-street parking spaces up to thirty (30) percent from the requirements specified for a specific non-residential use where it is clearly demonstrated that the specific use does not require the number of spaces specified herein provided:

(1) Future space is available on the lot or tract to fully meet the specified number of off-street parking spaces.

(2) That the applicant execute restrictions limiting the occupancy of the building to the specific use until the additional required spaces are provided for any change in use.

e. Permit subject to reasonable conditions any building or structure erected in that portion of any district designated with a "FH" Flood Hazard Prefix to be designed and constructed to place the first floor elevation lower than the minimum of one (1) foot above the one hundred year frequency flood

elevation as such elevation is determined by the Director of Public Works when there are special circumstances existing on the property on which the application is made that necessitate the adoption of a different standard in order for the property owner to use, maintain and further develop the property.

f. Permit changes in an Antenna, Antenna Support Structure or Alternate Tower Structure under the following circumstances:

(1) The Board finds that the intended function of the Antenna, Tower or Structure would be adversely affected, in some significant way, if the Antenna, Tower or Structure had to be constructed in accordance with the other provisions of this chapter, or

(2) The variance or special exception is necessary to harmonize the City's ordinances and federal laws, rules or regulations, or

(3) The Board finds that by modifying the height limitation to provide additional space for colocation of other antenna, the number of Antenna Support Structures can be reduced.

3. Authorize in specific cases a variance if the Board shall find that:

a. The variance request is not contrary to the public interest.

b. Special conditions exist for the applicant that do not generally exist for others.

c. A literal enforcement of the ordinance will result in unnecessary hardship.

d. The spirit of the zoning ordinance is observed and substantial justice is done.

17-105 ACTIONS OF THE BOARD

1. In exercising its powers, the Board of Adjustment may, in conformity with the provisions of Article 1011-a and including 1011-j of the 1925 Civil Statutes of Texas, as amended, reverse of affirm wholly or partly, may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer

from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.

2. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variance in said Ordinance.

3. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the municipality may present to the court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision by the Board of Adjustment and its recommendation in the minutes and not thereafter.

18-100 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

18-101 No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until a Certificate of Occupancy and Compliance shall have been issued by the Building Official of the City of Odessa stating that the building or proposed use of land or building complies with the provisions of this Ordinance and other building laws of the City of Odessa.

18-102 A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a Building Permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Ordinance. All existing or hereafter created nonconforming uses shall obtain a Certificate of Occupancy within eighteen (18) months of the effective date of this Ordinance. An Occupancy Permit shall be considered evidence of the legal existence of a nonconforming use as contrasted to an illegal use and violation of this Ordinance.

18-103 A Certificate of Occupancy and Compliance shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

18-104 Whenever a change of occupancy from one nonconforming use to another nonconforming use is proposed, an application for a Certificate of Occupancy shall be made to the Building Official.

19-100 COMPLETION OF BUILDING UNDER CONSTRUCTION

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance and which entire building shall be completed within one (1) year from the date of the passage of this Ordinance.

20-100 AMENDMENTS

Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance, or the Planning and Zoning Commission may, on its own motion or on request from the City Council, institute study and proposal for changes and amendments in the public interest.

20-101 PROCEDURE

1. The City Council may, from time to time, amend, supplement or change by Ordinance, the boundaries of the districts or the regulations herein established as provided by the Statutes of the State of Texas.

2. Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the Planning and Zoning Commission for its recommendation and report.

3. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council. When any such amendment or change relates to a change in classification or boundary of a zoning district, written notice of public hearing before the Planning and Zoning Commission on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested unless the proposed amendment or change shall involve the location of a "Jail or Prison Facility," in which case written notice of the public hearing shall be sent to all owners of real property lying within one thousand (1000) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved City tax roll. When any such amendment relates to a change of a zoning regulation or to the text of this Ordinance not affecting specific property, notice of the public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Odessa without the necessity of notifying property owners by mail. Such notice shall state the time and place of

such hearing and the nature of the subject to be considered, which time shall not be earlier than ten (10) days from the date of publication.

4. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Odessa stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.

5. In the event of a written protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.

20-102 ADJUSTMENT OF AMENDMENT APPLICATIONS

1. BY PLANNING AND ZONING COMMISSION

Subject to the applicable provisions of 20-101, when the Planning and Zoning Commission considers an application involving a change of zoning classification of property, it may recommend that the subject property be rezoned to a more restrictive zoning classification than was requested in the application. Provided, however, no recommendation regarding rezoning to a more restrictive classification may be made unless the notice given in satisfaction of 20-101(3) indicates that consideration may be given to recommending a more restrictive zoning classification than was requested. Provided further, that any more restrictive classification which is recommended must appear in whichever of the following two groups (Group A or Group B) contains the requested classification:

Group A -- SF-E, SF-1, SF-2, SF-3, SP-D, 2F-1, 2F-2, 4-F, GR, MF-1, MF-2, MH-E, MH or PD

Group B -- O, NS, MC, R, R-1, CB-1, CB-2, LC, HC, LI, HI or PD

2. BY CITY COUNCIL

Upon receiving a recommendation from the Planning and Zoning Commission concerning a proposed zoning amendment case involving a requested change in the zoning classification of property, the City Council may, subject to the applicable provisions of 20-101, rezone the subject property to a zoning

classification which is more restrictive than the zoning classification requested. Provided, however, no such rezoning may be enacted unless the notice requirements of 20-102(1) have been met by the Planning and Zoning Commission, and unless the notice provided for in 20-101(4) indicates that consideration may be given to rezoning the subject property to a more restrictive zoning classification than was requested. Provided, further, that the City Council may not rezone property under this procedure to a classification that does not appear in whichever of the two groups (Group A or Group B) set out in 20-102(1) contains the requested zoning classification.

21-100 DEFINITIONS AND RESTRICTIVE AND EXPLANATORY PROVISIONS RELATED TO USE REGULATIONS

CERTAIN WORDS IN THIS ORDINANCE ARE QUALIFIED, RESTRICTED AND DEFINED AS FOLLOWS:

21-101 WORDS IN THE PRESENT TENSE INCLUDE THE FUTURE, WORDS IN THE SINGULAR NUMBER INCLUDE THE PLURAL NUMBER AND WORDS IN THE PLURAL NUMBER INCLUDE THE SINGULAR NUMBER; THE WORD "BUILDING" INCLUDES THE WORD "STRUCTURE"; THE WORD "LOT" INCLUDES THE WORDS "PLOT" OR "TRACT"; THE WORD "SHALL" IS MANDATORY AND NOT DISCRETIONARY. NUMBER IN PARENTHESIS () INDICATES REFERENCE TO USE CHART 7-102 THROUGH 7-114.

1. Accessory Use - A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

2. Accessory Building, Attached - An integral portion of a main structure devoted to uses incidental and accessory to the main use, such as an attached garage, storage area or carport.

3. Accessory Building, Detached - A free standing structure designed and used for functions incidental and accessory to the main use, such as a garden shelter, separate garage or storage house.

(4.) Accessory Building or Use, Business or Industry - A subordinate building or portion of a building, attached or detached from the main building and used for purposes customarily incidental to the business or industrial use, such as storage warehouse space in a retail store and automotive repair service space in a gasoline service station.

(5.) Accessory Building or Use, Residential - A subordinate building, attached or detached from the main structure, and used for a purpose customarily incidental to the residential use of the main structure such as a private garage or carport for the storage of automobiles, tool house, lath or greenhouse as a hobby,

home workshop, children's playhouse, storage house or garden shelter but not involving the conduct of a business nor shall any accessory building be used as permanent living quarters.

(6.) RESERVED

(7.) RESERVED

(8.) Airport or Landing Field - An area improved for the landing or take-off of aircraft approved by the City of Odessa or Ector County for operation as an aircraft landing facility.

9. Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

(10.) Amusement, Commercial (Indoor) - An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

(11.) Amusement, Commercial (Outdoor) - An amusement enterprise offering entertainment of games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to a golf driving range, archery range and miniature golf course.

(12.) Animal Feed Lot - The pens, shelter and facilities for confining and feeding of livestock on a commercial basis.

(13.) Antique Shop - An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as a result of age, design or sentiment.

14. Apartment - A room or suite of rooms in a multiple-family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.

15. Apartment Complex (Elderly and/or Handicapped) - Any building, or portion thereof, which is designed, built, rented, leased or let as three (3) or more dwelling units, each unit to be occupied either by persons over the age of sixty-two (62) or by persons of any age who are physically or mentally handicapped to the extent that they are unable to be self-supportive, but are able to fully or partially take care of their personal needs.

16. Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units. For the purpose of this Ordinance, an apartment building with three (3) dwelling units is a three-family dwelling and an apartment with four (4) dwelling units is a four-family dwelling and an apartment building with five (5) or more dwelling units is a multiple-family dwelling.

17. Area of the Lot - The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

(18.) Art Gallery of Museum - An institution for the collection, display and distribution of objects of art or science, and which is sponsored by the public or quasi-public agency and which facility is open to the general public.

(19.) Asphalt or Concrete Batching Plant (Permanent) - A facility for the storage and mixing of materials for concrete or for asphaltic surfacing and which facilities are established on a permanent bases as a service industry.

(20.) Asphalt or Concrete Batching Plant (Temporary) - A facility for the storage and mixing of materials for concrete or for asphaltic surfacing which is located on a temporary basis to serve a specific construction project and which is required to be removed on completion of the project.

(21.) Auto Glass, Seat Cover of Muffler Shop - An automotive service establishment specializing in assembly, fitting and installation of glass, seat covers or mufflers in automobiles as a primary activity. When the activity is operated as a secondary function of a gasoline service station and represents not more than fifteen (15) percent of the business activity or fifteen (15) percent of operating space, auto glass, seat cover or muffler installation is permitted as a secondary function to the primary activity.

22. Basement - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

(23.) Beauty Shop, One Chair - Accessory Use - A shop for hair styling, beauty treatment and manicure located in a residence or on a residential lot in an accessory building involving only one chair and one resident operator and meeting the standards prescribed by the State of Texas and the City of Odessa for such operation.

(24.) Bicycle Sales and Service - An establishment offering bicycle and moped vehicle service and sales but not including the service or sale of motorcycles, off-road vehicle or other similar motorized equipment.

25. Block - An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said street.

26. Board - The Planning and Zoning Board as designated by the City Charter.

27. Board of Adjustment - The Zoning Board of Adjustment provided for in 17-100.

(28.) Boarding or Tourist House - A building arranged and used for the lodging, with or without meals, for compensation, by more than three (3) and not more than twenty (20) individuals exclusive of the operating person or family.

29. Building - Any structure used or intended for supporting or sheltering any use or occupancy.

30. Building Area - The area included within the surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts.

31. Building Coverage - The percent of the area of a lot or tract covered by the roof or first floor of a building. Where the roof area, in a flat plane, exceeds the first floor area, the roof area shall be used in computing the percent of coverage except that the roof eaves to a maximum of three (3) feet from the walls of a building shall be excluded from the coverage computations.

32. Building Ends - Those sides of a building having the least dimensions as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwellings only, a building end shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line of another building.

33. Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom and being the minimum distance to the street line that a building may be located.

(34.) Building Material and Home Supply Sales (Indoor Storage) - An establishment offering for sale lumber, building supplies, tools, home improvement materials and related items where the materials are stored

within a building, or if outdoors, all supplies and commodities are stored behind a solid screening wall which is located on or back of the required building line and where the supplies and commodities are not stacked or arranged so as to extend above the top of the screening wall.

(35.) Building Material Sales With Outdoor or Open Shed Storage - An establishment offering building materials for sale to contractors, suppliers and the public where all or part of such materials are stored in an open yard or open sheds.

36. Building Official - The officer or other designated authority charged with the administration and enforcement of this Ordinance or his duly authorized representative.

36A. Carnival - An event which provides amusement rides, as defined in Article 21.60 of the Insurance Code, which includes mechanical rides or devices but not coin-operated rides or non-mechanical playground equipment. It shall not include an event sponsored by the property owner for civic, charitable or church purposes, which does not include more than four mechanical rides or devices, does not extend for more than fourteen days and is authorized by a special use permit if required by Chapter 15D of the City Code.

37. Carport - An accessory building or structure with a roof or other covering supported by structural steel or wooden members or columns, or masonry piers of minimum size for structural safety. Such structure shall be open on two or more sides when attached to the main building or other buildings and open on three or more sides when detached from the main dwelling or other buildings.

38. Cellar - A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

39. Certificate of Occupancy and compliance (Same as Certificate of Use and Occupancy in Building Code) - The Certificate issued by the Building Official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of laws and ordinances for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the Building Permit or Zoning Ordinance or amendment.

(40.) Church or Rectory - A place of worship and religious training of recognized religions including on-site housing of ministers, rabbis, priests, nuns and similar staff personnel.

41. City Council - The governing and legislative body of the City of Odessa.

42. City Manager - Chief administrative officer of the City of Odessa, Texas.

(43.) Cleaning Plant (Commercial) - An establishment providing dry cleaning and/or laundry as a commercial service to smaller shops, pick-up stations or to industry and commercial enterprises such as linen, drapery and carpet cleaning.

(44.) Cleaning Shop or Laundry (Small Shop) - A custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area.

45. Clinic - A group of offices for one or more physicians, surgeons or dentists to treat sick or injured out-patients who do not remain overnight.

(46.) Clothing or Similar Light Manufacturing - An establishment for the compounding, assembly or fabrication of garments, millinery, jewelry, electronic devices, small instruments, pharmaceuticals and similar items and materials, where no noise, dust, vibration, odor or other conditions which could be adverse to the use and enjoyment of adjacent property are generated.

(47.) College or University - An academic institution of higher learning, accredited or recognized by the State and offering a program or series of programs of academic study.

(48.) Community Center (Public) - A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

49. Convalescent Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age (same as Chronic Care Hospital).

(50). Country Club (Private) - An area containing a clubhouse and recreation facilities which are restricted to the use of specific membership and which may contain a golf course, tennis court, swimming pool, dining room, social facilities and similar recreation and service facilities.

51. Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. an outer court is a court having one side open to a street, alley, yard or other open space.

(52.) Custom Personal Service Shop - Tailor, dressmaker, barber or beauty shop, shoe shop or similar shop offering custom service to individual customers.

(53.) Day Care Center - An establishment where not more than fifteen (15) children are housed for care or training during the day or portion of the day.

(54.) Dance Hall or Night Club - An establishment offering to the general public facilities for dancing and entertainment and subject to licensing and regulation by the City of Odessa.

55. Decibel - A unit of measurement of sound pressure.

56. Detention Halfway House - A facility used for the purpose of housing at least three persons who are on probation, parole, mandatory supervision or for some other reason are permitted conditional freedom from imprisonment in a jail or prison facility and who are permitted access into the community without guard supervision. The term Detention Halfway House shall not include governmental facilities exempt from zoning regulations.

57. District - A section of the City of Odessa for which the regulations governing the height, area or use of the land and buildings are uniform.

58. Drive-In Service Buildings - Retail or service buildings oriented to serving the motorist, such as a gasoline service station, dry cleaning or laundry pick-up station or drive-in grocery.

59. Dwelling Unit - A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

60. Family - Any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage or adoption.

(61.) Farm, Ranch, Garden or Orchard - An area of one (1) acre or more which is used for growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

(62.) Fire Arms Range - A facility designed and constructed for the practice and teaching of marksmanship with handguns, rifles and shotguns and operated by a public agency or a quasi-public or private corporation approved by the City of Odessa. The Specific Use Permit establishing any Fire Arms Range shall set forth the construction and operating standards required to protect the user and occupants of nearby property and to assure the safety and welfare of all areas of the City.

63. Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.

64. Floor Area Ratio (FAR) - The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

(65.) Fraternity or Sorority - A building arranged and used as a place of abode for four (4) or more students who are organized as a group for social, educational, professional or similar purposes.

66. Frequency - The number of times per second a vibration or sound wave oscillates.

(67.) Garage or Estate Sale - An offering for sale, on a residential premises, of household furnishings, clothing, appliances and related items belonging to the residents of the premises. A garage or estate sale may be conducted as a home occupation provided that not more than two (2) such sales not exceeding two (2) days duration may be conducted on any residential lot or premises during any twelve (12) month period.

(68.) Gasoline or Motor Fuel Service Station - An establishment designed and constructed for the primary function of dispensing motor vehicle fuels and lubricants and may include as secondary functions the sale and installation of tires, accessories, antifreeze and light automotive repair and maintenance.

(69.) Gasoline Sales - Facilities offering motor fuel for sale on a "serve yourself" basis involving not more than four fuel pumps and not including other customary service station functions.

(70.) Golf Course (Commercial) - A golf course, privately owned but open to the public for a fee and operated as a commercial venture.

(71.) Greenhouse or Plant Nursery (Retail Sales) - An area or structure for the growing, display and sale, at retail, of plants, flowers, trees and other plant materials and the supplies for maintaining plant material.

72. Height (Building or Structure) - The vertical distance from the grade to the top of the highest roof beam of a flat roof or the mean level of the highest gable or slope of a hip roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

(73.) Heliport - A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft and subject to approval by the City of Odessa.

(74.) Helistop - A landing pad for occasional and infrequent use by rotary wind aircraft not exceeding a gross weight of 6,000 pounds and not for regularly scheduled stops and subject to approval by the City of Odessa.

(75.) Home for Senior Citizens or Nursing Home - A home where ill or senior citizens are provided with lodging and meals with or without nursing care and which is operated similar to a lodging house or resident hotel.

(76.) Home Occupation - An occupation carried on in a residential dwelling and/or the related accessory buildings as an incidental subordinate and accessory activity to the primary use of the premises as a home wherein the following conditions and standards are not exceeded:

a. No person other than a member of the occupant's family is engaged or employed in the activity.

b. No sign or display is used to advertise or identify the activity or occupation.

c. No commodity is offered for sale on the premises.

d. No service other than tutoring or teaching of six (6) students or less is offered on the premises.

e. Not more than twenty-five (25) percent of the total floor area of the main residential structure may be utilized for a home occupation within the main residential structure and any accessory building.

f. No machinery or equipment other than that customary to normal household operation is used.

g. No exterior storage of material, commodities or supplies related to the home occupation shall occur on the premises.

h. No increase in traffic, vehicle parking, noise, light, air contaminants or odor shall be generated by the activity.

(77.) Hospital (Acute Care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

(78.) Hospital (Chronic Care) - An institution where those persons suffering from illness, injury, deformity, deficiency of age, are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

79. Hostel, Living Quarters (Others) - A type use in which living quarters are provided for adult individuals and/or families without individual dividing walls, and which may or may not be under the general supervision or regulation of an established manager or hosteler and which are distinguished from an apartment, motel, hotel, boarding or tourist house which provided individual living quarters for adult individuals and/or families. The Zoning District and regulations for a hostel use shall be applicable whether or not the hostel is owned or operated for profit or by a religious, charitable or philanthropic institution.

(80.) Hotel or Motel - A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone use and upkeep of furniture.

(81.) Housing, Special Arrangement - Housing units arranged on the site in a manner differing from the specific lot, yard, spacing and access arrangement established for the conventional residential districts including patio homes, cluster housing, atrium homes and staggered building line arrangements.

(81A.) Housing and Urban Development (HUD)-Code Manufactured Home - Means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(82.) Incidental or Accessory Retail and Service Uses - Retail or service uses, such as pharmacy, newsstand, dining room, barber or beauty shop located within an office, high rise apartment or similar structure where

such retail or service use is incidental to the primary use and designed and arranged to serve the primary use.

83. Jail or Prison Facility - A facility that is used for the purpose of imprisonment of persons who are charged with or convicted of law violations and who are not permitted access into the community without guard supervision. The terms Jail or Prison Facility shall not include governmental facilities exempt from zoning regulations.

(84.) Kennel - An arrangement of buildings and/or pens for the care, breeding and raising of dogs or cats and involving facilities for five (5) or more dogs or cats.

(85.) Kindergarten or Nursery School - A school or child care establishment where over fifteen (15) children are housed for care or training during the day or a portion of the day.

(86.) Laundry and Cleaning (Self-Service) - To be of the customer self-service type and not a commercial laundry or cleaning plant.

87. Legal Height - The maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.

(88.) Lithographic Shop or Commercial Printer - An establishment involving the printing and publishing of books, magazines, newspapers, posters and similar graphic material in volume.

(89.) Livestock Auction - Barns, pens and sheds for the temporary holding and sale of livestock.

90. Living Unit - The room or rooms occupied by a family and must include cooking facilities.

(91.) Local Utility Line - The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service including pad and pole mounted transformers.

92. Lodging or Rooming House - (See Boarding House.)

93. Lot - A parcel of platted land occupied or to be occupied by not more than one main building and its accessory buildings, and including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place.

94. Lot Coverage - The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building.

95. Lot Depth - The mean distance between the front and rear lot lines. (See Appendix Illustration 2.)

96. Lot Lines - The lines bounding a lot as defined herein.

97. Lot of Record - A lot which is (a) part of a subdivision, the plat of which has been recorded in the office of the county Clerk of Ector County (b) a parcel of land, the deed for which was recorded in the office of the County Clerk of Ector County prior to January 11, 1972, or (c) a parcel of land shown on a site plan with respect to which a City of Odessa building permit had been issued prior to January 11, 1972.

98. Lot Width - The width of a lot at the front building line. (See Appendix Illustration 1.)

99. Main Building (Residential) - The building on a lot which is occupied by the primary residential use. In a single-family residence area, the dwelling is the main building.

100. Main Building (Retail or Commercial) - The building or buildings on a lot or tract which is occupied by the primary use and to which any other building or use is secondary or incidental.

(101.) Maintenance and Repair Service for Buildings - An establishment housing and offering building maintenance and repair services including janitor service, painting, remodeling, air conditioning, roofing, plumbing, heating and insulating.

(102.) Mini-Warehouse - A complex of small storage units which are rented or leased and which are arranged to be individually accessible to the lessee or renter. In the "MH", "R" or "R-1" Districts, when approved by Specific Use Permit, individual storage units shall not exceed three hundred sixty (360) square feet in area; no mini-warehouse building shall exceed twelve (12) feet in height and a paved surface area a minimum of twenty (20) feet wide shall be provided on the site connecting all exterior doors of a mini-warehouse building. The open storage of recreational vehicles and boats on a paved surface shall be permitted as an accessory use in conjunction with a mini-warehouse provided that such storage area is enclosed by an eight (8) foot high screening wall or fence as provided in 13-102. When a mini-warehouse

is located adjacent to the "SF-E", "SF-1", "SF-2", "SF-3", "SPD", "2F-1" or "2F-2" District, a screening wall having a minimum height of six (6) feet and meeting the provisions of 13-102 shall be provided between the mini-warehouse and the adjacent residential district boundary line. Where the wall of a mini-warehouse contains no openings or access points, such solid wall may be considered as the equivalent of a screening wall.

103. Mobile Home - Means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air-conditioning, and electrical systems.

(104.) Mobile or Hud-Manufactured Home Dwelling - A dwelling unit as hereinafter defined as a Mobile or Hud-Manufactured Home which is placed upon a platted lot, connected to utilities and fixed to the site so as to comply with the area and yard standards for a single-family detached dwelling and which complies with all other building, sanitation and safety regulations of the City of Odessa.

(105.) Mobile or Hud-Manufactured Home - Transient Park - A tract of land laid out and developed to provide spaces for rent or lease as mobile home and/or recreational vehicle sites on a short or long-term basis and which development and facilities comply with area and yard standards prescribed in this Ordinance and which facilities meet the minimum standards of all other applicable building, sanitation and safety regulations of the City of Odessa.

(106.) Multiple-Family Dwelling (Apartment) - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as five or more dwelling units or apartments or which is occupied as a home or place of residence by five or more families living in independent dwelling units.

(107.) Municipal Office Building or City Hall - The main administrative center for the municipal government and any similar sub-centers which may be located in the City for the convenience of the residents.

(108.) New Auto Display and Sales (Indoors) - An indoor establishment for the display and sale of new automobiles and specifically not involving display of vehicles outdoors.

(109.) New or Used Auto Sales (Outdoor Lot) - The display and offering for sale of automobiles in an open area visible from the street or from contiguous properties.

110. Nonconforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, or which was subsequently annexed to the City and which does not conform to the use regulations of the district in which it is situated. (See 16-100.)

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

112. Octave Band - A portion of the audible sound spectrum. An Octave Band analyzer divides the audible sound spectrum into eight (8) Octave Bands.

113. Odor Threshold - The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the Odor Threshold is prescribed by A.S.T.M.D. 1391-57, Standard Method for Measuring Odor in Atmospheres.

114. Office of Planning and Zoning Commission - The office of the Director of Planning and Development shall be the office of the Planning and Zoning Commission.

(115.) Off-Street Parking, Excess to Minimum Requirements - Off-street parking spaces provided on the lot or tract occupied by the main use, or for non-residential uses, within three hundred (300) feet of such lot or tract, which parking spaces exceed the minimum requirements for the main use as specified in 10-100 through 10-104. All off-street parking located off the lot or tract on which the main use is located shall be limited to passenger vehicles and vehicles of not more than one (1) ton rated capacity.

(116.) Off-Street Parking, Required for Primary Use - Off-street parking spaces provided in order to satisfy the minimum off-street parking requirements specified by this Ordinance in 10-100 through 10-104 and which are located on the lot or tract occupied by the main use, or for non-residential uses, within three hundred (300) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent "P", Parking District.

(117.) Oil Field Equipment Rental or Storage Yard - An open area devoted to the storage of large oil field equipment and the offering of same for rent.

(118.) Open Salvage Yard for Vehicles, Machinery or Materials - An open area where worn, wrecked or used vehicles, machinery, appliances or used materials are collected, stored, dismantled or processed for salvage or reuse.

119. Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves and porches. Open space may be occupied by lawn area, plant material, drives, walks, pools, sculpture, uncovered patios and paved areas and similar uncovered yard appurtenances.

(120.) Park or Playground (Public) - An open recreational facility or park owned and operated by a public agency such as the City of Odessa, Ector County or School Board and available to the general public.

(121.) Park or Playground (Other Than Public Sponsored) - A park or playground developed and sponsored by a quasi-public group or private agency for the benefit of specific groups, such as "Little League" baseball, or the public in general.

(122.) Parking Lot or Structure (Commercial) - An area or structure devoted to the parking or storage of motor vehicles for a fee. May include, in the case of a parking structure only, a facility for servicing of motor vehicles provided such facility is primarily an internal function for use only by motor vehicles occupying the structure and creates no special problems of ingress or egress.

(123.) Parking Lot or Structure (Non-Commercial) - A lot or structure used for the parking of passenger vehicles without a fee or where the cost of the service is included as a privilege of association with the main use to which the parking is considered accessory and/or supportive. Any parking structure shall meet all of the requirements and standards applicable to the zoning district in which it is located except that no parking structure shall be located in an area covered by a "DR", Drill Reservation Suffix unless agreement to such structure is reached between the surface and mineral owners.

(124.) Parking Lot, Trucks and Trailers - An open area used for the parking of trucks exceeding one (1) ton capacity and of transport trailers and prime movers.

125. Parking Space - An enclosed or unenclosed all-weather surfaced area of lot less than one hundred sixty (160) square feet (measuring approximately 9 feet by 18 feet) not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress and egress to the street or alley. Any parking adjacent to a public street shall not be classified as off-street parking in computing the parking area requirements for any use.

126. Particulate Matter - Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

(127.) Petroleum or Gas Well - A well created for the extraction of oil or gas from subsurface strata and which well and related facilities are subject to the Oil and Gas Ordinance, Chapter 11, of the Code of Ordinances of the City of Odessa.

(128.) Pipe or Oil Field Equipment Repair Yard - A primarily open area used for the storage of oil field pipe or for the storage, repair and assembly of oil field equipment.

129. Planning and Zoning Commission - The agency designated in the City Charter as the Planning Commission and appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning.

(130.) Playfield or Stadium (Public) - An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.

(131.) Private Club - Facilities where food, beverage and entertainment and meeting space is provided to specific membership only.

132. Private Garage - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

(133.) Public Building, Shop or Yard of Local, State or Federal Agency - Facilities such as office buildings, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center, Experiment Station, Municipal or County Courts. This definition does not include jail or prison facilities, detention half-way house or facilities exempt from zoning regulations.

(134.) See Section 7-930(1)

(135.) Railroad Team Track - A siding for spotting and unloading or loading box cars or other railroad cars and which area is connected to a public street by a drive for access.

(136.) Railroad Track and Right-of-Way, but not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

137. Recreational Vehicle - A vehicular type unit primarily designed as temporary living quarters for recreational use, camping or travel use, and as designated by the Certificate of Title and license issued by the State of

Texas which either has its own motive power or is mounted on or drawn by another vehicle and includes but is not limited to a travel trailer, camping trailer, truck camper or motor home.

(138.) Reprographic Service - An establishment providing quick reproduction service for written material, documents, reports, correspondence, drawings and plans and providing supplies related to production of such original material.

139. Residence - Same as dwelling; also when used with district and area of residential regulations.

(140.) Residence Home for the Elderly (Retirement Home) - A building or buildings arranged and used as living quarters for the elderly and containing living units for more than three (3) individuals or couples. A Residence Home for the Elderly may contain health care facilities as an accessory function but is not primarily a chronic care hospital.

(141.) Restaurant or Cafeteria (Not Drive-In Type) - An establishment serving food to the general public in specific, designated dining areas and where food is not served to persons in automobiles for consumption on the premises.

(142.) Restaurant or Eating Establishment (Drive-In Service)- An establishment designed and constructed to serve food for consumption on the premises in an automobile, which establishment may or may not have on premises dining room or counter.

(143.) Retail Shop, Apparel, Gift, Accessory and Similar Items - Small retail shops, such as dress shops or gift shops serving neighborhood areas as differentiated from department stores or discount stores having community wide service importance.

(144.) Retail or Service Use, Miscellaneous - A retail or service operation not otherwise provided for in this Ordinance or by the procedures herein authorized for new and unlisted uses.

145. Rooming House - (See Boarding House.)

(146.) Sales Outdoor, Temporary - Open sales lots established for temporary periods for the sale of seasonal commodities such as Christmas trees. In the Retail District, Sales Outdoor, Temporary, shall be subject to a permit issued by the Building Official for a specific period of time, not to exceed thirty (30) days.

147. Sales Space Contracting - A site where the primary use is to provide space to persons for the sale, trade or barter of new or used merchandise, items, goods, chattels or any service. Spaces for such activity may be rented, leased or sold to vendors, sellers or traders on a short or long term basis. Improvements on site may promote an open, semi-open, or developed atmosphere by the nature of the development. Such uses as noted above may be also known as an outdoor market, mercado, flea market or similarly accepted terminology. The use, "Sales Space Contracting", is allowed by a specific use permit only and will be subject to such development standards as necessary pursuant to Section 7-601 of the City of Odessa Zoning Ordinance which conditions shall include the provision that all persons contracting for such space shall comply with all applicable State, Federal and City laws and ordinances.

(148.) School, Business - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

(149.) School, Public or Denominational - A school under the sponsorship or a public or religious agency having a curriculum generally equivalent to a public elementary or secondary school, but not including trade or commercial schools.

(150.) School, Trade, Technical or Commercial - A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

(150A.) Sexually Oriented Business definitions:

a. Adult Arcade - means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

b. Adult Bookstore or Adult Video Store - means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1) books, magazines, periodicals or other printed matter, or photographs, films motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

2) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an **Adult Bookstore** or **Adult Video Store**. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an **Adult Bookstore** or **Adult Video Store** so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

c. Adult Cabaret - means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1) persons who appear in a state of semi-nudity; or

2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

d. Adult Motel - means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and

1) has a sign visible from the public right-of-way which advertises the availability of the adult type of photographic reproductions; or

2) offers a sleeping room for rent at a rate that is for a period of time that is less than ten (10) hours; or

3) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

The terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

e. Adult Motion Picture Theater - means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

f. Adult Theater - means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical area" or by "specified sexual activities".

g. Chief of Police - means the chief of police of the City of Odessa or his designated agent.

h. "Customer" - means any person who:

1) is allowed to enter a sexually oriented business in return for the payment of an admission fee or any other form of consideration; or,

2) enters sexually oriented business and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or,

3) is a member of and on the premises of a sexually oriented business operating as a private club.

i. Employee - means any person who renders any work or service in the scope of employment, or pursuant to a contract as a contractor, for a sexually oriented business for pay.

j. Escort - means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, or to privately appear in a state of semi-nudity, or to perform in a manner characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

k. Escort Agency - means a person or business association who furnished, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

l. Establishment - means and includes any of the following:

1) the opening or commencement of any sexually oriented business as a new business;

2) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3) the addition of any sexually oriented business to any other existing sexually oriented business; or

4) the relocation of any sexually oriented business.

m. Licensee - means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

n. Nude Model Studio - means any place where a person who appears in a state of semi-nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. However, it shall not be considered a nude model studio, if it is operated under the following circumstances:

1) by a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation; or

2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

o. Operates or Causes to be Operated - means to cause to function or to put or keep in operation. The following persons operate or cause to be operated a sexually oriented business:

1) owner or part owner,

2) licensee or applicant,

3) a person who performs any of the following activities:

(A) operates a cash register cash drawer or other depository on the premises;

(B) displays or takes orders from any customer for any merchandise, goods, entertainment or other services,

(C) delivers or provides to any customer any merchandise, goods, entertainment or other services that are offered on the premises or

(D) acts as a door attendant to regulate entry of customers or other persons into the business.

4) a person who supervises or manages other persons in the performance of any of the activities in the above subsection.

p. Owner or Part Owner - means the proprietor if a sole proprietorship, any and all general partners if a partnership, a member of any association, or the corporation if a corporation.

q. Person - means an individual, proprietorship, partnership, corporation, association, or other legal entity.

r. Premises - means the parcel of land where a sexually oriented business is located and all buildings and improvements located on the parcel of land that are used in the operation of the sexually oriented business.

s. Residential District - means a single family estate (SF-E), single family residence-1 (SF-1), single family residence-2 (SF-2), single family residence-3 (SF-3), special dwelling (SPD), two family residence-1 (2F-1), two family residence-2 (2F-2), general residence (GR), four family residence

(4-F), multiple family residence-1 (MF-1), multiple family residence-2 (MF-2), mobile home (MH), planned development-housing (PD-H), as defined in the Zoning Ordinance of the City of Odessa, as now adopted or as hereinafter amended.

t. Residential Use - means a single family dwelling, two family dwelling, multiple family dwelling, three or four family dwelling, boarding or tourist house, residence home for elderly, fraternity or sorority, mobile home dwelling, Housing Special arrangement Hostel, Hotel, Motel use as defined in the Odessa Zoning Ordinance.

u. Semi-Nude or Semi-Nudity - means a state of dress which fails to opaquely cover the human buttock, anus, genitals, pubic region, or the female breast below the top of areola, as well as portions of the body covered by supporting straps or devices. Body paint, body dyes, tattoos, liquid latex, whether wet or dried, and similar substances shall not be considered an opaque covering.

v. Sexual Encounter Center - means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of semi-nudity, including "tub clubs" or "exotic tan centers".

w. Sexually Oriented Business - means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

x. Specified Anatomical Areas - means and includes any of the following:

1) Less than completely and opaquely covering:

(A) Human genitals, public region, or public hair; or

(B) Buttock, or

(C) Any part of the female breast below the top of the areola

2) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

aa. Specified Sexual Activities - means and includes any of the following:

1) the fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts;

2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3) masturbation, actual or simulated; or

4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

bb. Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25) percent, as the floor area exists as of the date of adoption of this Ordinance.

cc. Transfer of Ownership or Control of a sexually oriented business means and includes any of the following:

1) the sale, lease, or sublease of the business;

2) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

151. Signs - See Section 12-101, pp. 63-67 for definition of signs and related items.

(152.) Single-Family Dwelling (Detached) - A dwelling designed and constructed as a free standing structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family. In a platted subdivision, only one single-family detached dwelling together with permitted accessory buildings may be located on a platted lot.

(153.) Single-Family Dwelling (Attached) - A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines and which lot has access to a public street, way or easement.

154. Smoke - The visible discharge of particulate matter from a chimney, vent, exhaust or combustion process.

155. RESERVED

156. RESERVED

(157.) Stable, Private - An accessory building for quartering horses when the stable building is set back from all adjacent property lines at least fifty (50) feet and one hundred (100) feet away from any dwelling on any adjacent lot and when the site contains a minimum area of one (1) acre.

158. Stack Space - A paved drive leading off the public street, leading to a point or points where people are provided service while seated in an automobile such as a drive-in bank teller window or a carry-out food service window.

159. Story - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. For the purpose of measuring height of a building, a story shall be ten (10) feet.

160. Street - Any thoroughfare or public driveway, other than an alley, and more than thirty (30) feet in width, which has been dedicated or deeded to the public for public use.

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

(162.) Storm Water Retention Basin or Pumping Station - A reservoir, lake, pond or playa designated for temporary storage of surface water during periods of heavy runoff together with any pumping facilities, tanks, gates or similar structures related to drainage operations.

163. Structure - Generally same as building but includes any construction which projects above the ground level a distance of forty (40) inches or more.

164. Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, beam or girder.

(165.) Swim or Tennis Club - A facility similar to a Country Club (50) but providing only swimming facilities and/or tennis facilities to specific private membership.

(166.) Swimming Pool or Tennis Complex (Commercial) - A swimming pool or tennis complex along with accessory facilities which are not part of a municipal, public or private club system but where the facilities are available to the general public for a fee.

(167.) Swimming Pool (Private) - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City of Odessa. A private swimming pool shall not be operated as a business.

(168.) Tavern or Lounge - An establishment where the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors and where food service, if any, is secondary to the sale of wine, beer or other liquors.

(169.) Telephone Exchange, Switching Relay or Transmitting Equipment, but not including public business facilities, storage or repair facilities.

(170.) Temporary Field Office, Construction Yard or Office - A structure, shelter or enclosure used in connection with a development or building project for on-site housing or sheltering of administrative and supervisory functions and employees and for storing equipment and building supplies. A Permit for an on-site Temporary Field or Construction Office or Yard shall be issued for the specific construction period and expire upon completion of the construction set forth by the Building Permit. The office or yard shall be removed within thirty (30) days of the issuance of a Certificate of Occupancy for the project.

(171.) Theater, Drive-In (Outdoor) - A facility developed in the open and arranged so that patrons may view and hear a motion picture on a screen or a performance on a stage while seated in their automobiles or in outside seating.

(172.) Theater or Playhouse (Indoor) - A building including a stage or screen for the projecting of motion pictures or presenting theatrical performances to the public.

173. Thoroughfare - (Same as Street.)

(174.) Three or Four-Family Dwelling - A single building designed and constructed with three or four living units under a single roof for occupancy by three or four families and located on a single lot or tract. (A quadraplex.)

(175.) Tool Rental, Domestic, Small Equipment - An establishment displaying and offering for rent equipment for domestic maintenance and improvement including cleaners, mowers, ladders, tillers, cement mixers, wheelbarrows, paint spraying equipment and similar items.

176. Toxic and Noxious Matter - Any solid, liquid or gaseous matter which is present in sufficient quantities to endanger the health, safety and comfort of persons in the vicinity or which may cause injury or damage to property.

(177.) Truck and Trailer Rental - An area or structure for storing and displaying trucks and trailers which are offered for rent for a fee.

(178.) Two-Family Dwelling (Duplex) - A single building structure designed and constructed with two living units under a single roof for occupancy by two families and located on a single lot or tract held under one ownership. (A duplex.)

(179.) Utility Shop, Storage Yard or Building (Private) - Facilities of private utility companies such as the gas or electric company for storage of poles, pipes and equipment and buildings for maintenance and administration.

180. Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel or property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. (See 17-104.)

181. Vibration - A periodic displacement of the earth measured in inches.

182. Wind Energy Conversion System - A device that converts wind movement into mechanical or electrical energy, including but not limited to, a tower of any configuration with a movable blade assembly and electrical or mechanical controls. (Mandatory Development Standards are set out in Article VII of Chamber 4A of the City Code of Ordinances.)

183. Yard - An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar architectural features, plant material, sculpture, ornamental features and customary yard appurtenances.

184. Yard, Front - An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located. (See Appendix Illustrations 3 and 5.)

185. Yard, Rear - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated. (See Appendix Illustration 3.)

186. Yard, Side - An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line. (See Appendix Illustrations 3 and 4.)

187. Zero Lot Line - The arrangement resulting from placing a dwelling on or near one side lot line and accumulating all of the total side yard space between the other side lot line and the dwelling.

188. Zoo (Private) - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

189. Zoo (Public) - A publicly owned zoo or similar facility owned and operated by the City, County or nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

22-100 PENALTY FOR VIOLATIONS

Any person violating or failing to comply with any of the provisions of this Ordinance shall be fined upon conviction not less than One Dollar ($1.00) nor more than Two Hundred Dollars ($200.00), and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

The penalty provided herein shall be cumulative of other remedies provided by State law and the power of injunction as provided in Texas Revised Civil Statutes, Article 1011-H and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a criminal complaint filed.

In addition to the penalty provided for, the right is hereby conferred and extended to any property owner owning property in any district where such property may be affected by a violation of the terms of this Ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law or in equity for the protection of the rights of such property owners.

23-100 EXCEPTIONS AND EXEMPTIONS NOT REQUIRED TO BE NEGATIVED

In any complaint and in any action or proceedings brought for the enforcement of any provision of this Ordinance, it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this Ordinance and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant or person charged.

24-100 RESOLUTION OF CONFLICTS, ETC.

Should any conflict or incompatibility be found to exist between a provision contained in the main body of this Ordinance and a provision contained in the Appendix Summary hereof, the same shall be resolved against such Appendix Summary provision and in favor of the provision contained in the main body of this Ordinance.

25-100 PUBLICATION

This Ordinance shall become effective thirty (30) days after adoption and the City Secretary is hereby directed to effect publication of this Ordinance at least five (5) days prior to such effective date.

26-100 SAVINGS CLAUSE

It is hereby declared to be the intention of the City Council of the City of Odessa that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

This Ordinance was adopted on first reading on November 27 , 1979, by the following vote

Bob Bryant	Aye
Jack Chapman	Aye
Frank Childs	Aye
Lawson Cook	Aye
Keith Weddell	Aye

This Ordinance was adopted on second and final reading on January 8, 1980, by the following vote:

Bob Bryant	Aye
Jack Chapman	Aye
Frank Childs	Aye
Lawson Cook	Aye
Keith Weddell	Aye

Approved as adopted by the City Council of the City of Odessa, Texas

Mayor, City of Odessa, Texas

APPROVED AS TO FORM:

City Attorney

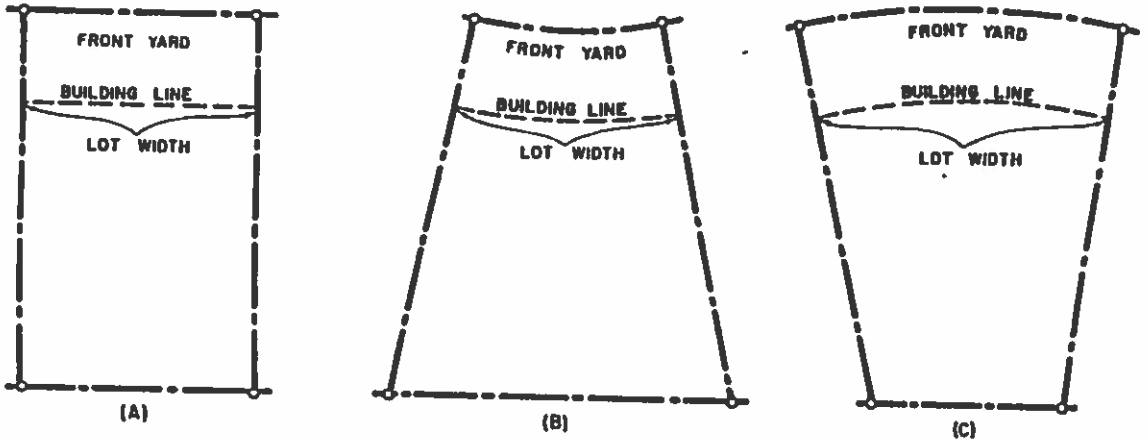
ATTEST:

City Secretary

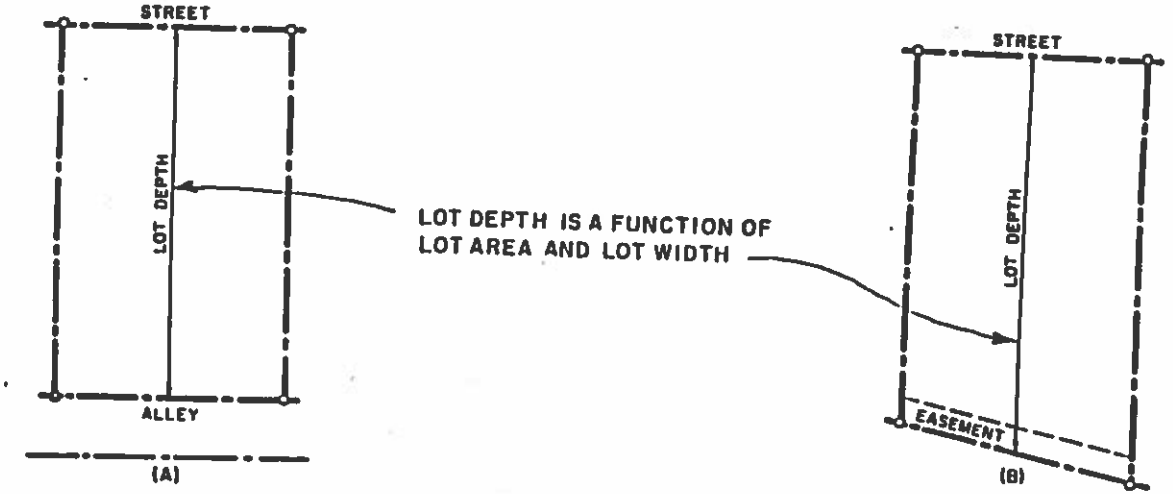
ILLUSTRATIONS

ILLUSTRATIONS

1. Lot Width

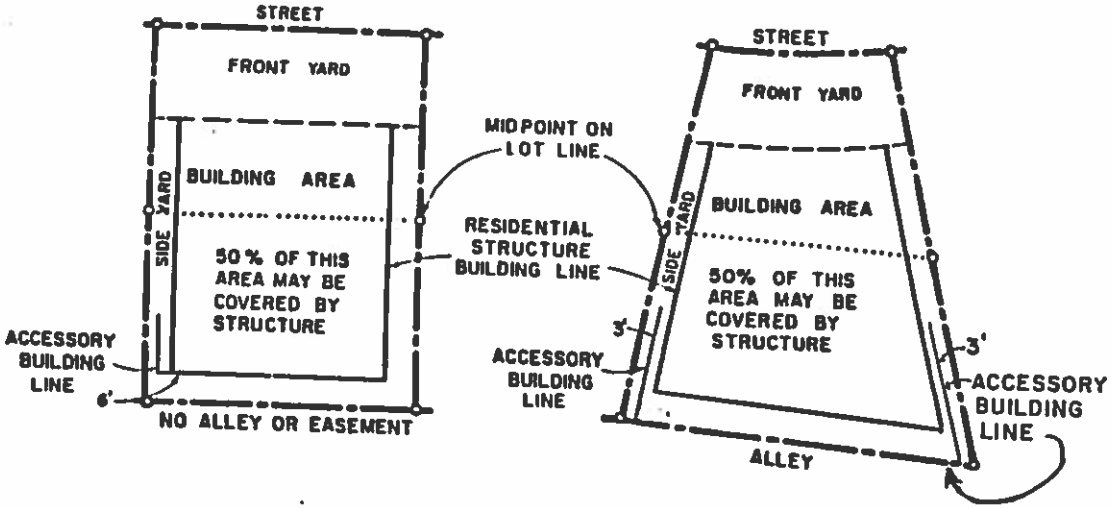


2. Lot Depth

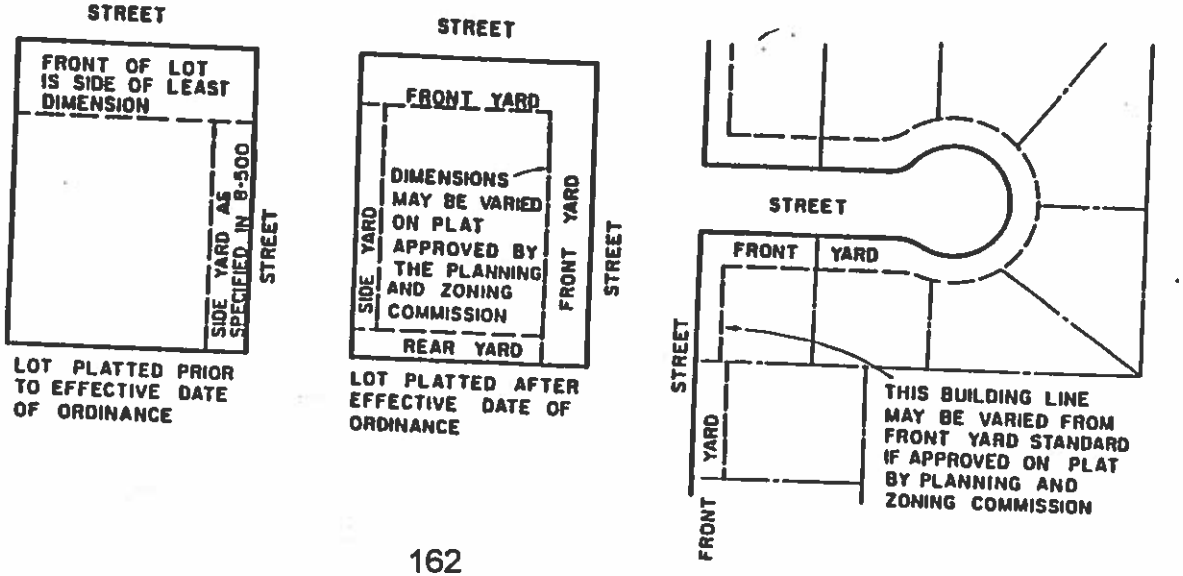


ILLUSTRATIONS

3. Yards

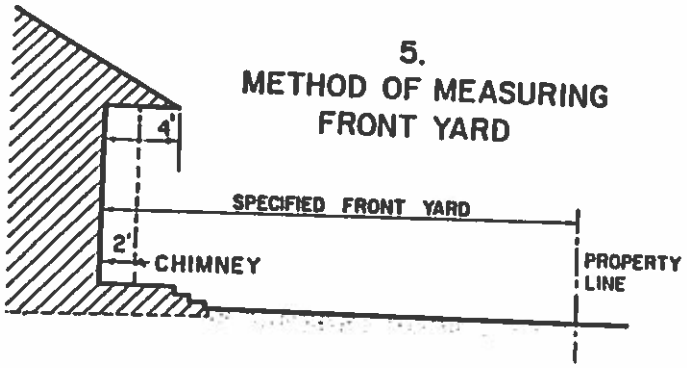


4. Corner Lot

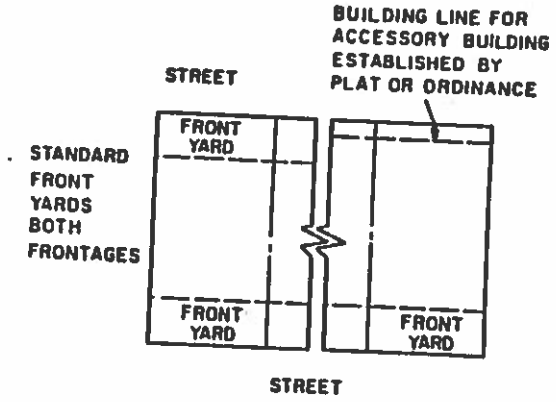


ILLUSTRATIONS

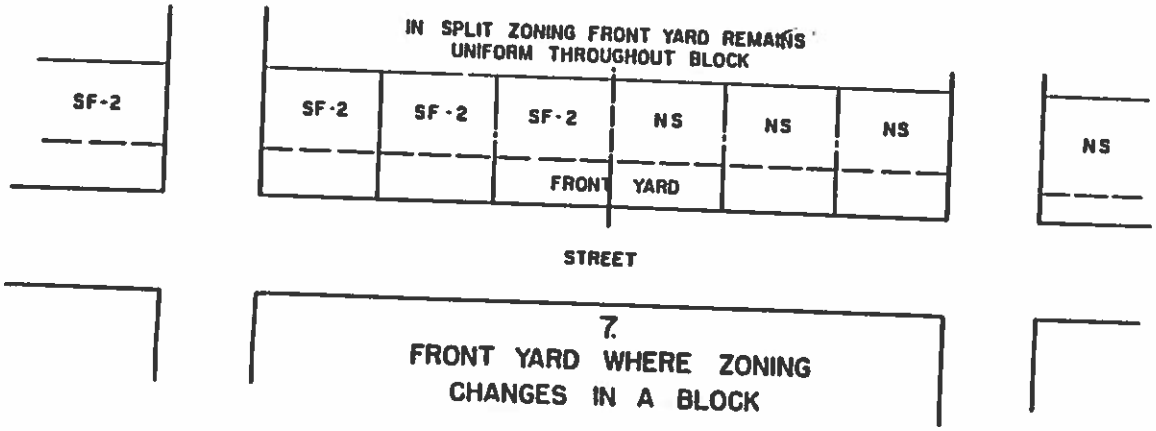
5. Method of Measuring Front Yards



6. Double Frontage Lots



7. Front Yard Where Zoning Changes in a Block



8. Interpretation Average Front Yard Where Yard Depth Varies

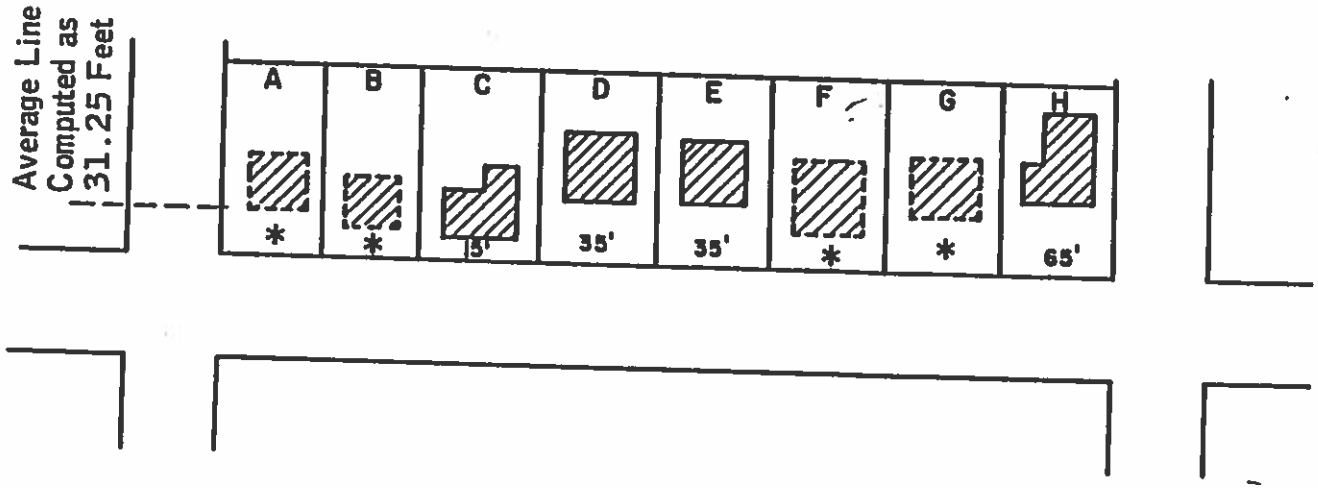
Basis of Computation
Existing Buildings

Lots	Set Back
C	15'
D	35'
E	35'
H	65'

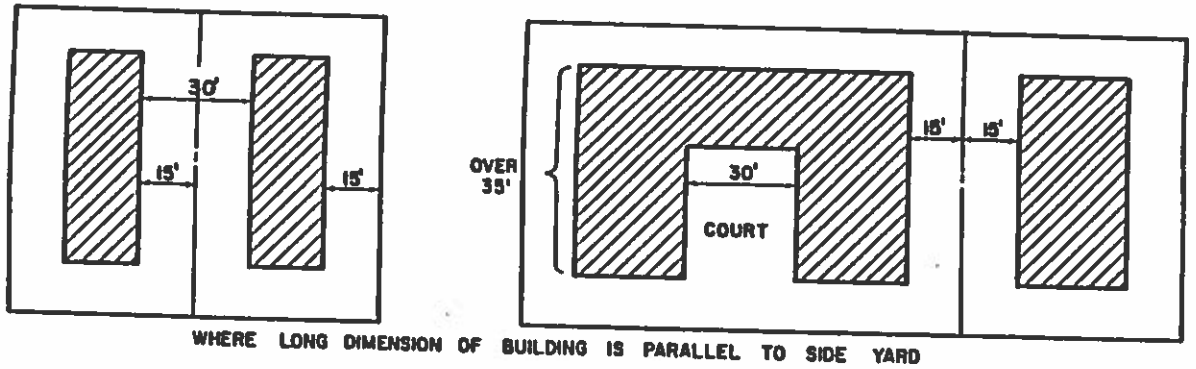
* OTHER LOTS BY 8-402
Average Line = 31.25'

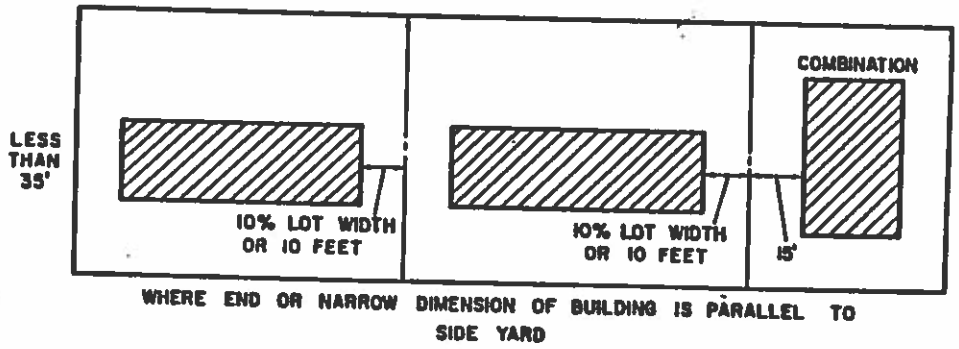
Computed Minimum Setbacks

A	31.25'	average
B	25'	need not set back over 10' from C
C	15'	existing
D	35'	existing
E	35'	existing
F	31.25'	average
G	41.25'	need not set back over 10' from F
H	65'	existing



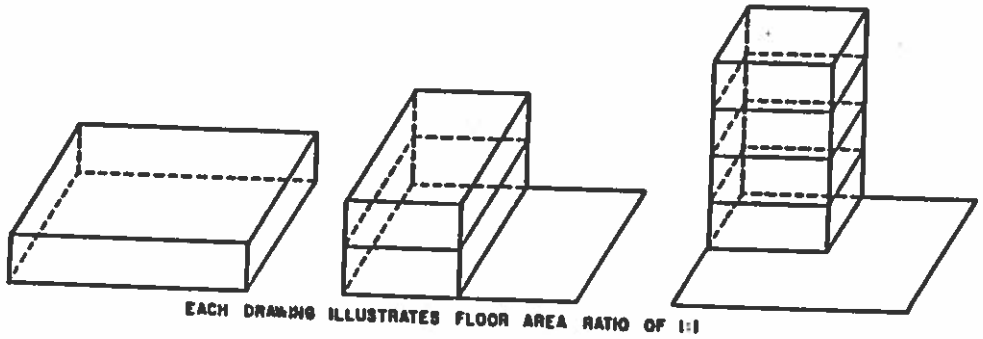
9. Special Apartment Side Yard and Spacing Standards



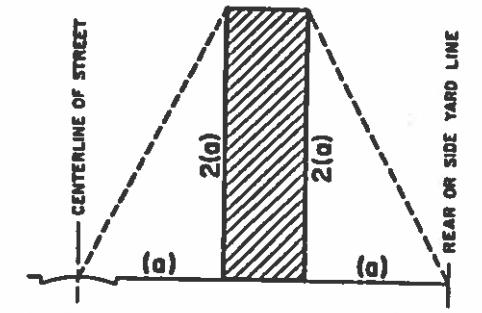


ILLUSTRATIONS

10. Floor Area Ratio



11. Setback Standards High Rise Apartment and Similar Structures



WHEN HEIGHT EQUALS 2(a), FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF (a). SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF (a) WHEN HEIGHT IS 2(a). IN NO CASE NEED (a) EXCEED FIFTY (50) FEET See 8-502 (21)

12. Side Yard Standards Attached Single Family Dwellings

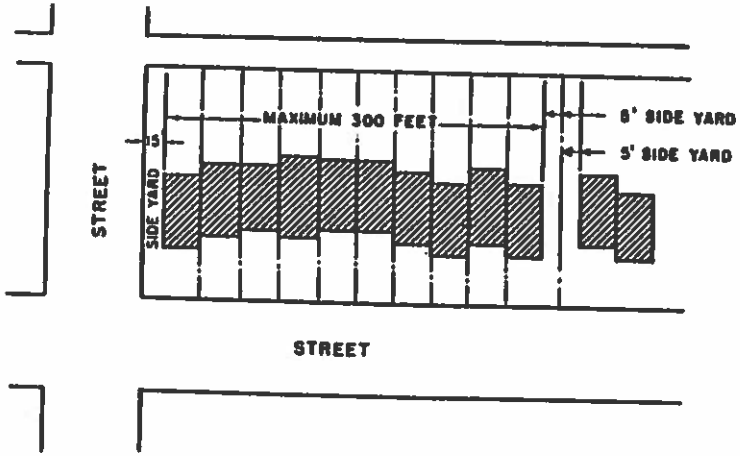
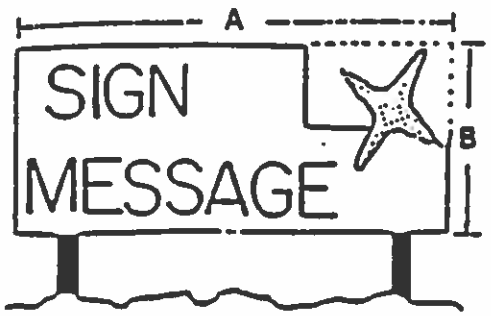
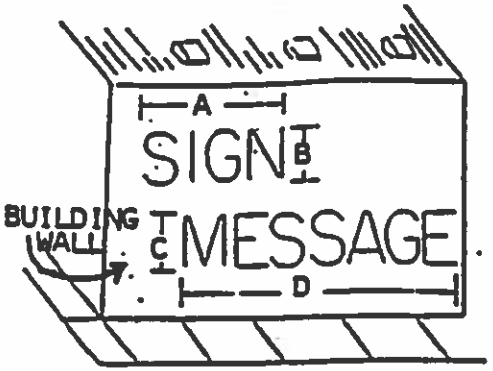


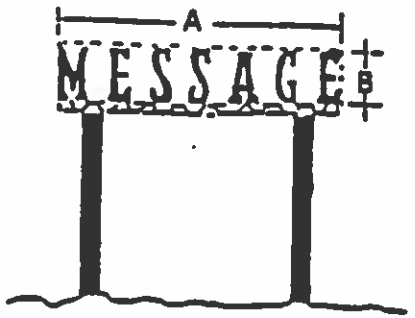
FIGURE 1
Sign Face Area Measurement



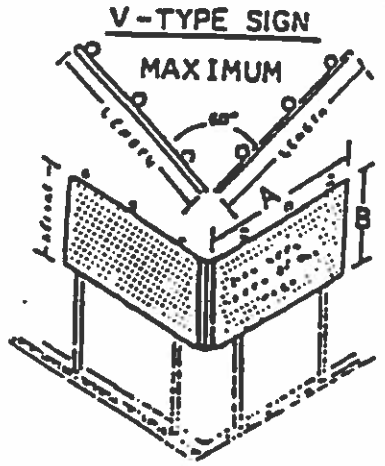
SIGN FACE AREA =
(A) (B)



SIGN FACE AREA =
(A)(B) + (C)(D)



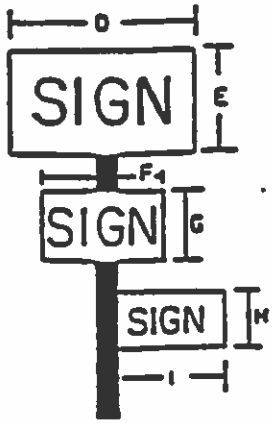
SIGN FACE AREA =
(A) (B)



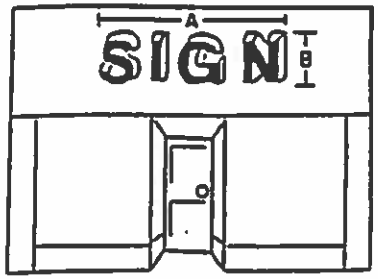
SIGN FACE AREA =
(A) (B)

SIGN FACE AREA =
(A) (B)

SIGN FACE AREA =
πR^2
(π = 3.1416)

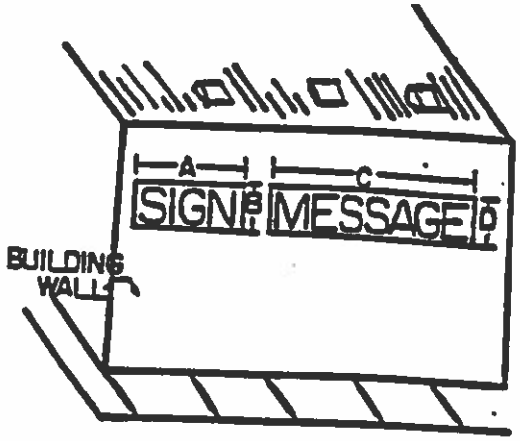


SIGN FACE AREA =
(D)(E)+(F)(G)+(H)(I)

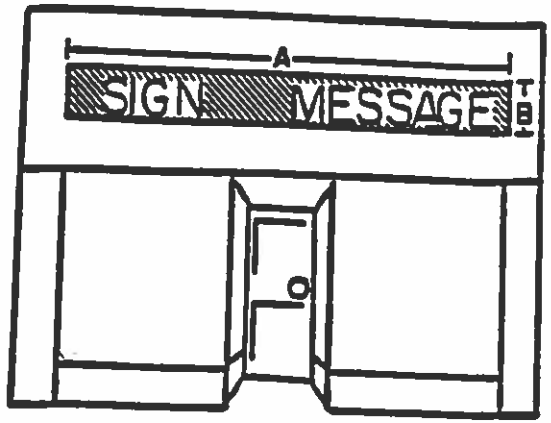


SIGN FACE AREA =
(A) (B)

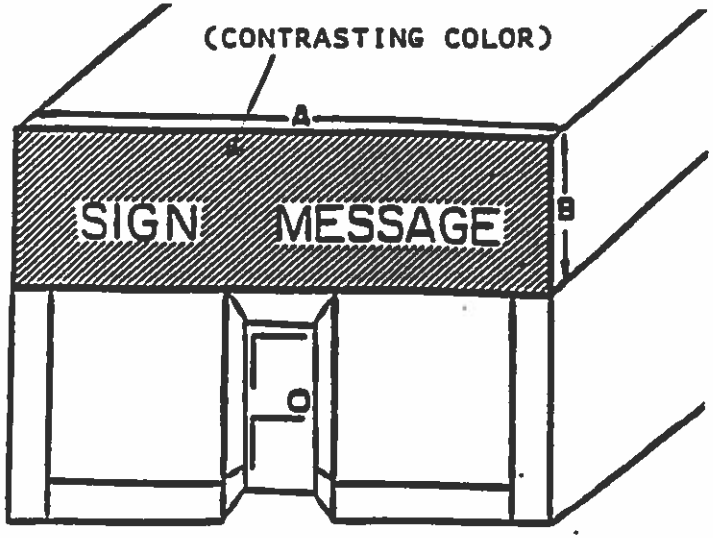
FIGURE 1 (CONTINUED)
Sign Face Area Measurement



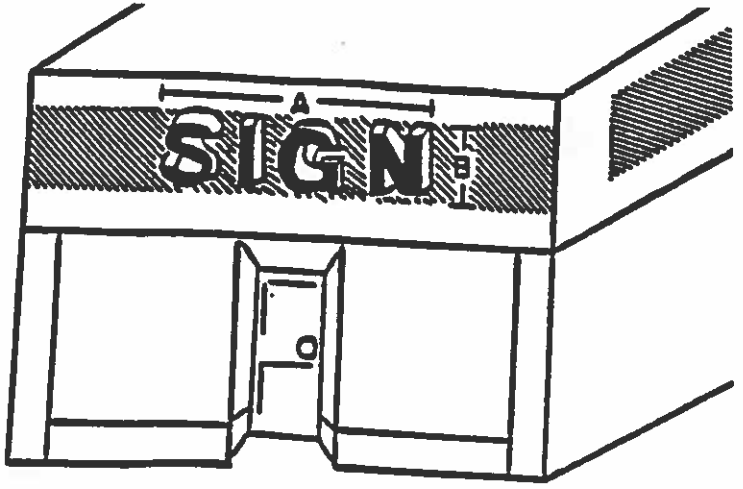
SIGN FACE AREA =
(A)(B) + (C)(D)



SIGN FACE AREA =
(A) (B)

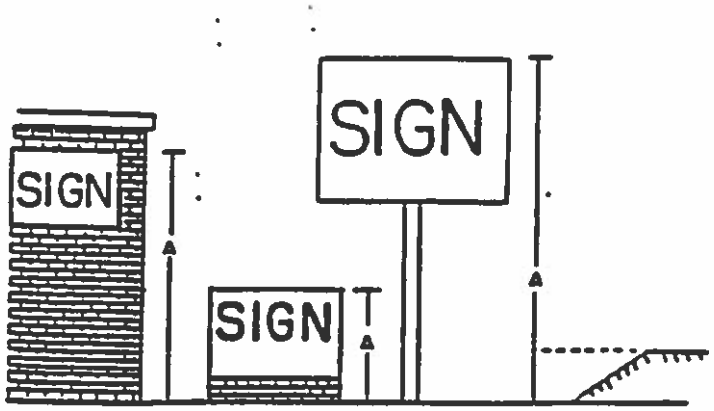


SIGN FACE AREA =
(A) (B)



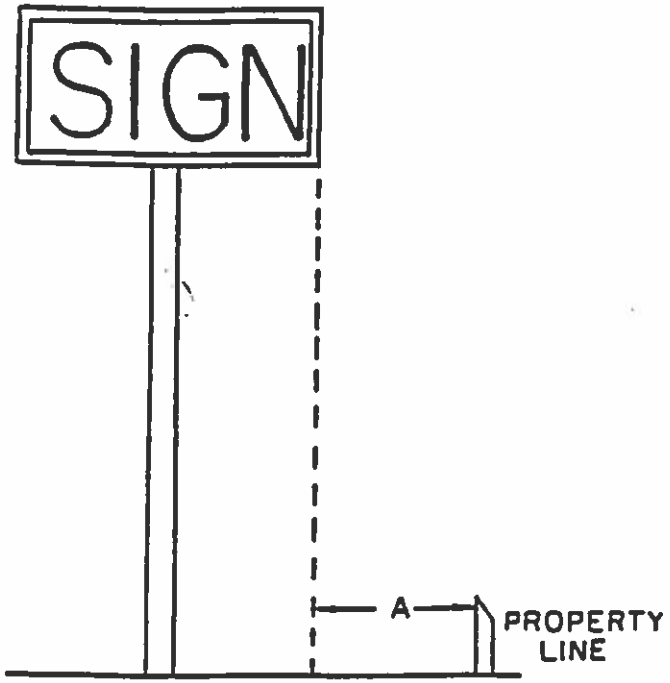
SIGN FACE AREA =
(A) (B)

FIGURE 2
Sign Height



A = HEIGHT

FIGURE 3
Sign Setback



A = SETBACK

FIGURE 4
Sign Clearance

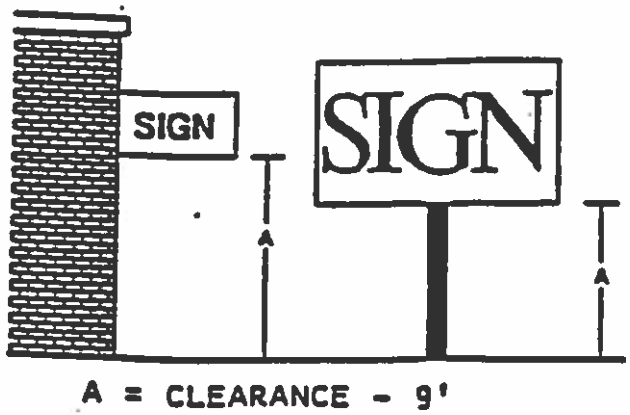
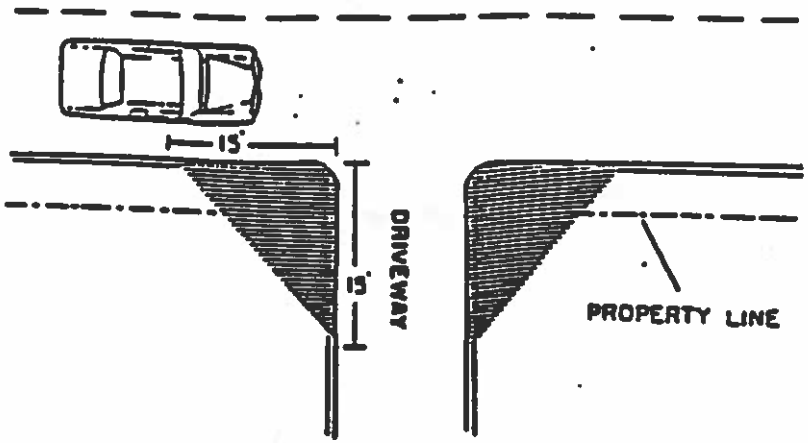
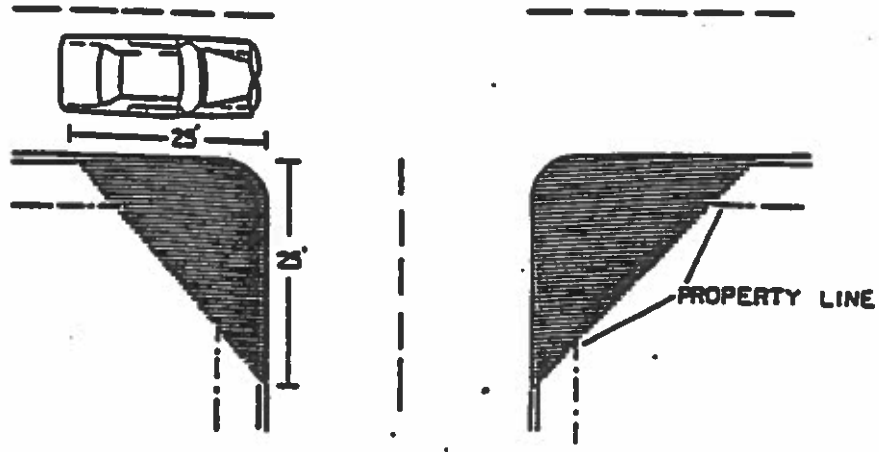


FIGURE 5
Vision Clearance Area



VISION CLEARANCE FOR DRIVEWAYS



VISION CLEARANCE FOR STREET INTERSECTIONS

FIGURE 6
Distance From Side Lot Line

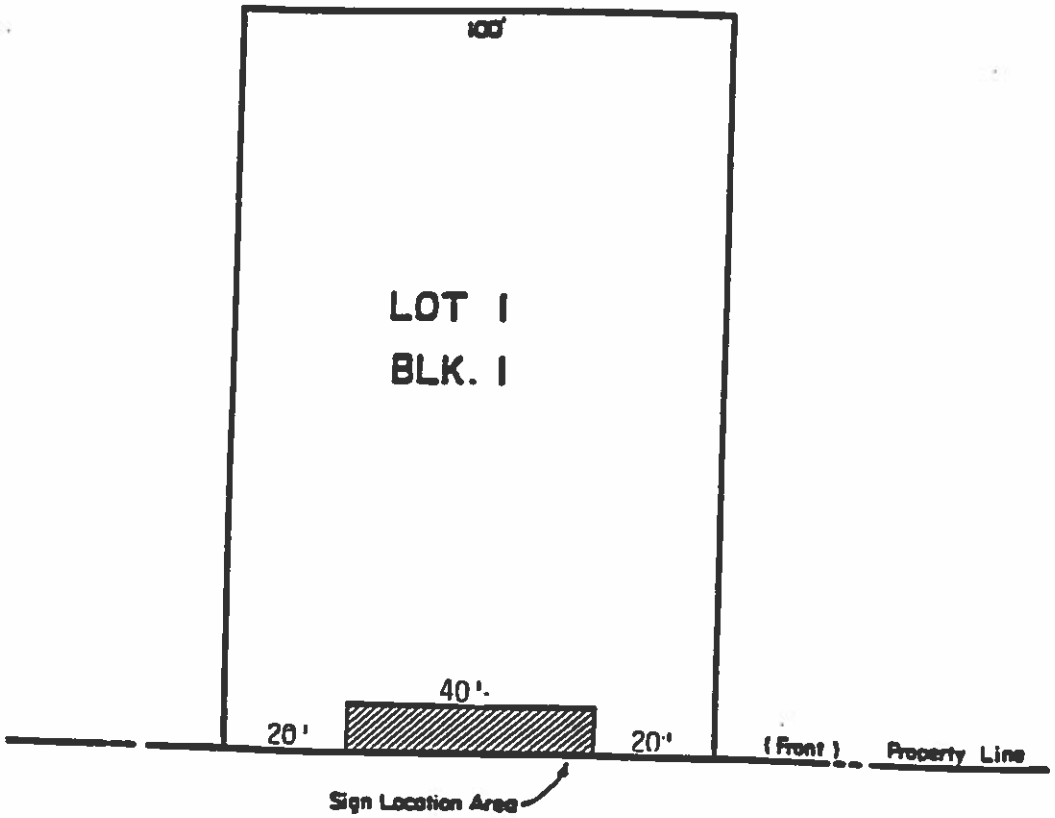


FIGURE 7
Canopy/Awning Signs

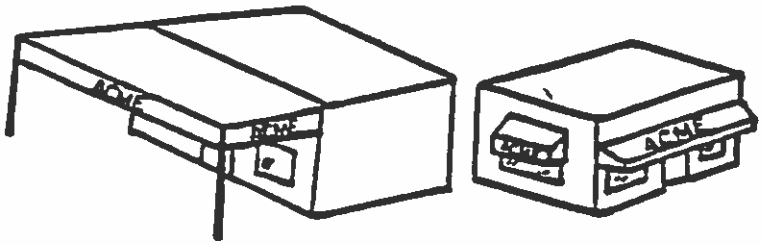
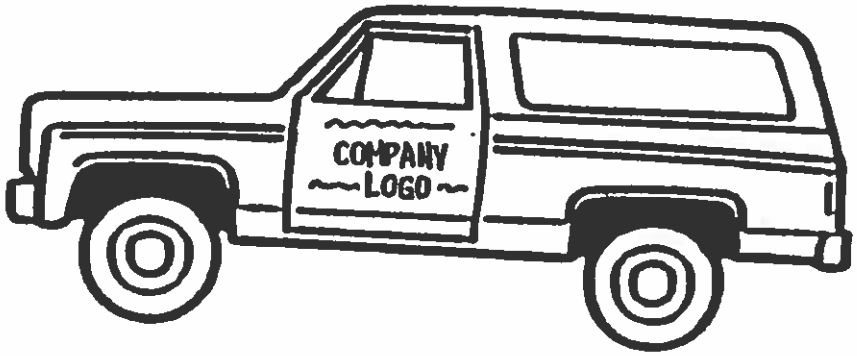
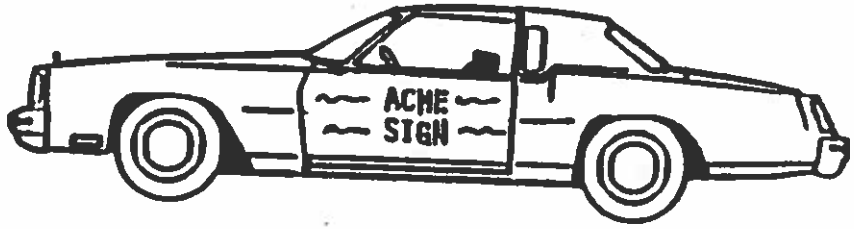


FIGURE 8
Banners

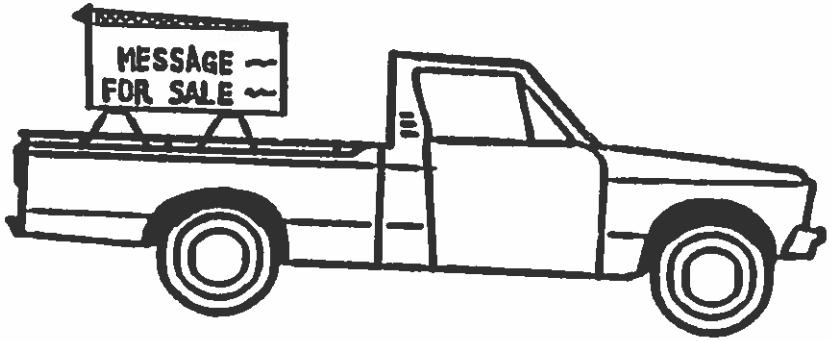
FIGURE 9



THIS IS NOT A PORTABLE SIGN



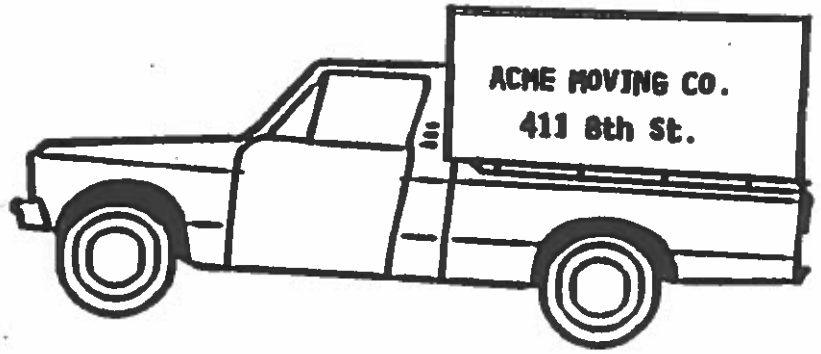
THIS IS NOT A PORTABLE SIGN



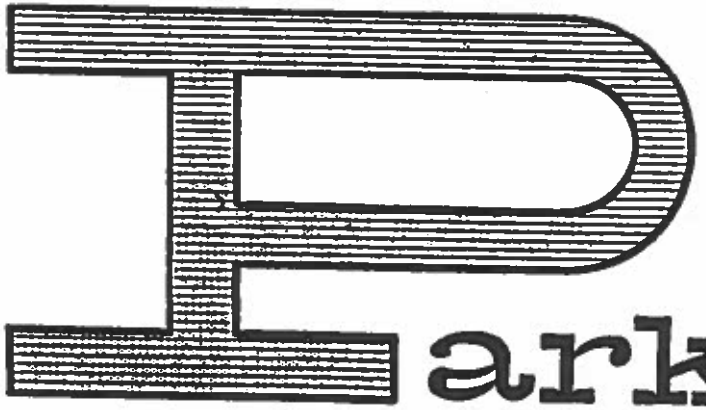
THIS IS A PORTABLE SIGN

THIS IS NOT A PORTABLE SIGN.

THIS IS A PORTABLE SIGN



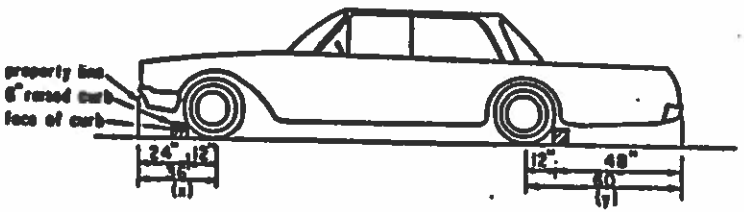
THIS IS NOT A PORTABLE SIGN.



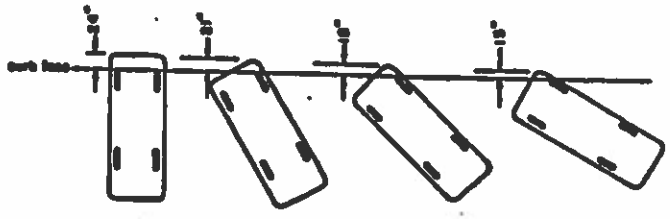
Layout
and
design
standards
for
parking
lots

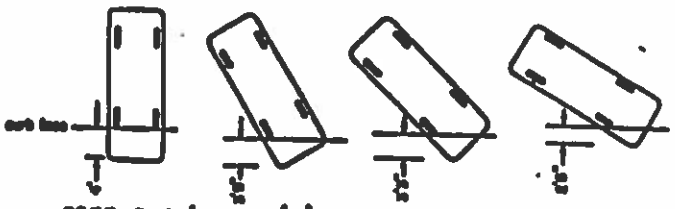
overhang of average automobile

parked against 6" raised curb at 30°, 45°, 60°, & 90°

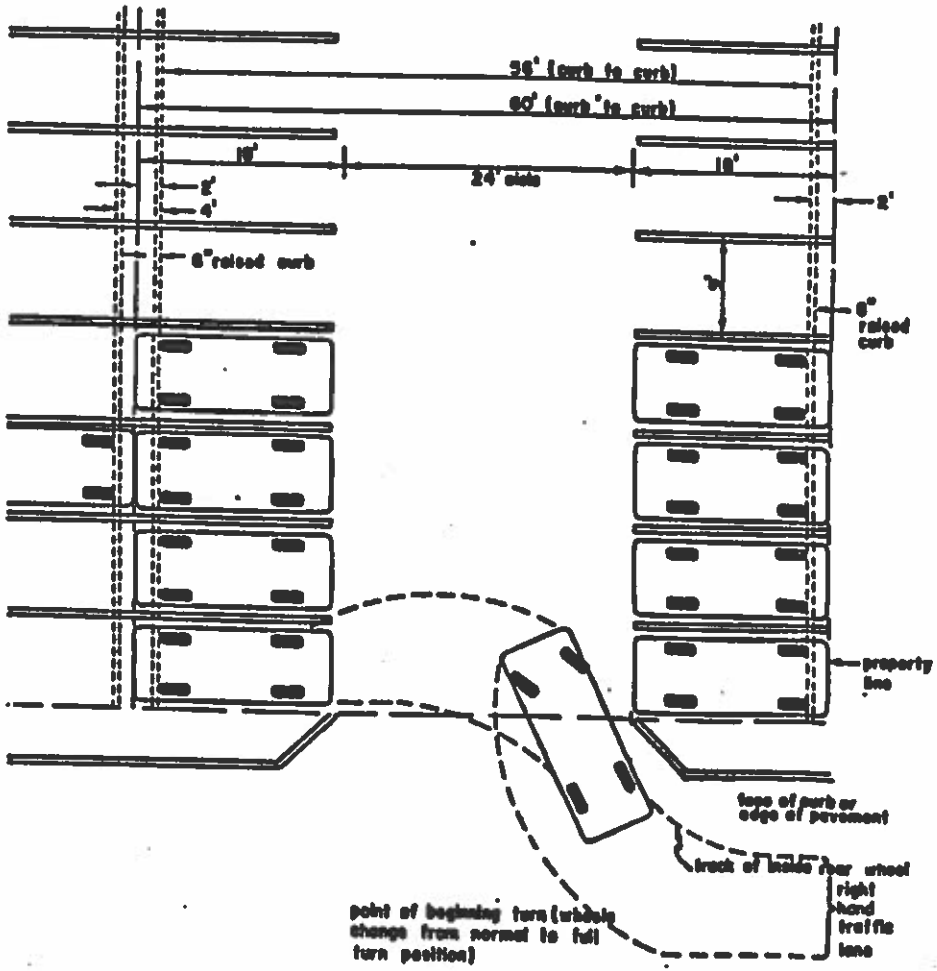


front overhang (x)



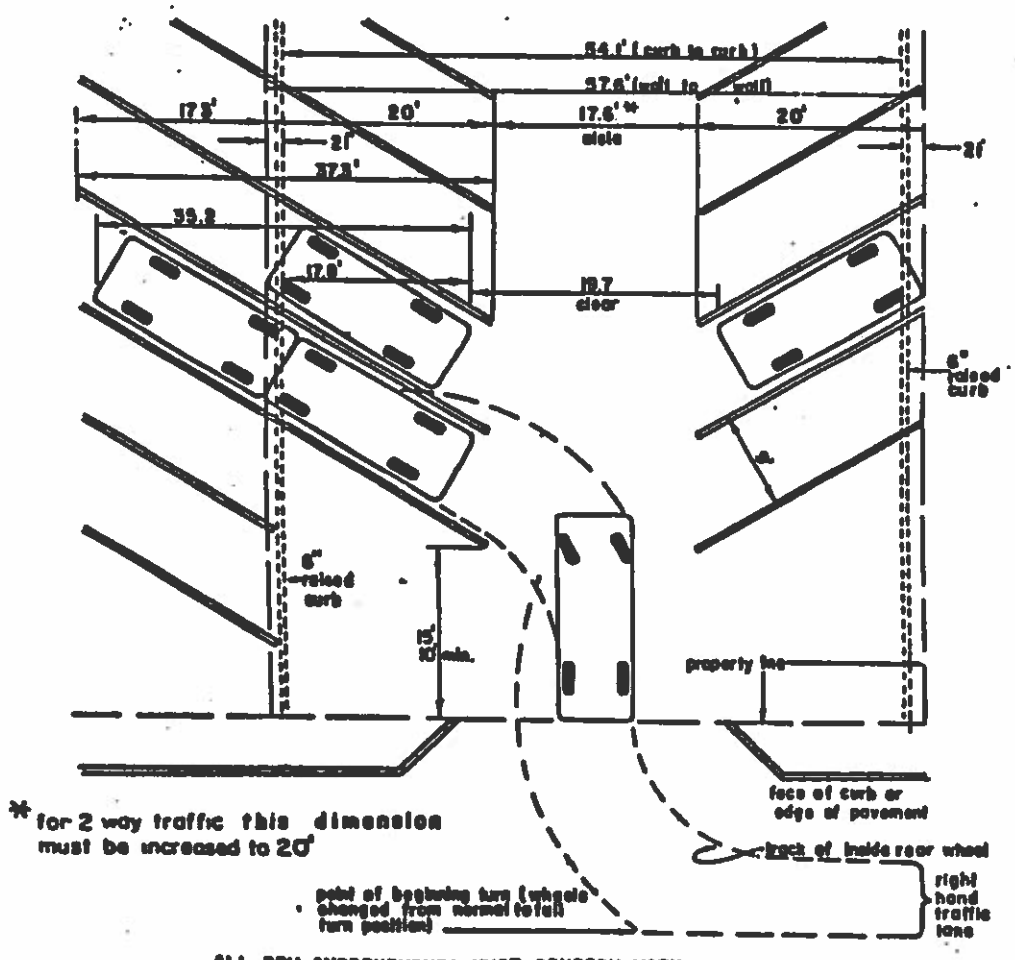


rear overhang (y)



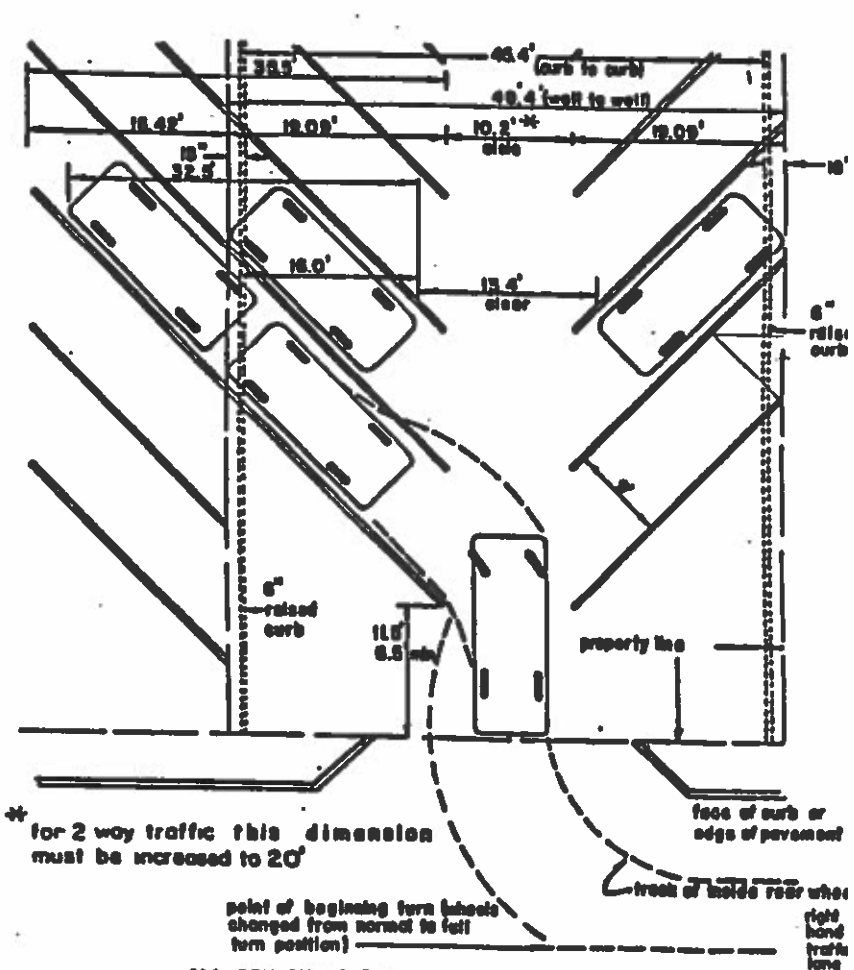
ALL ROW IMPROVEMENTS MUST CONFORM WITH THE "RIGHT-OF-WAY" CONSTRUCTION ORDINANCE OF THE CITY OF ODESSA

90°



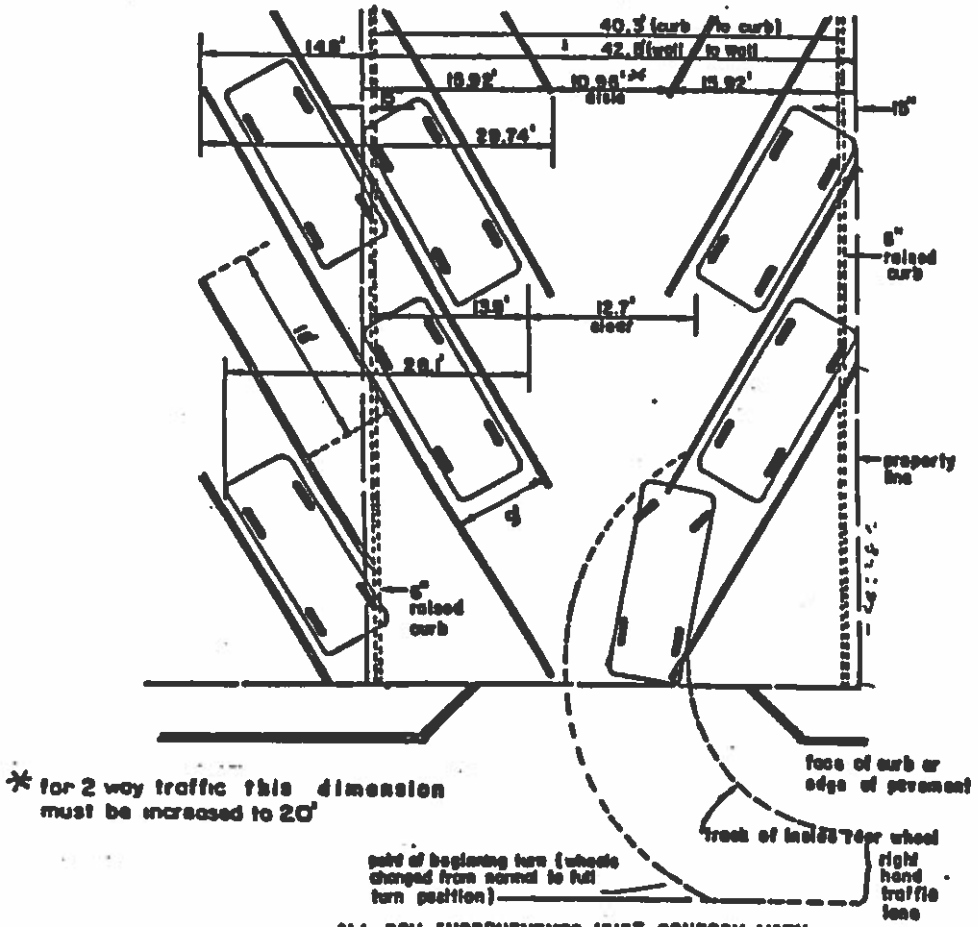
ALL ROW IMPROVEMENTS MUST CONFORM WITH
THE "RIGHT-OF-WAY" CONSTRUCTION ORDINANCE
OF THE CITY OF ODESSA

60°



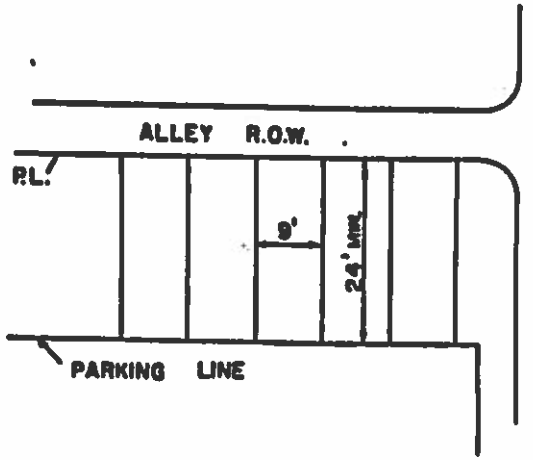
ALL ROW IMPROVEMENTS MUST CONFORM WITH
THE "RIGHT-OF-WAY" CONSTRUCTION ORDINANCE
OF THE CITY OF ODESSA

45°

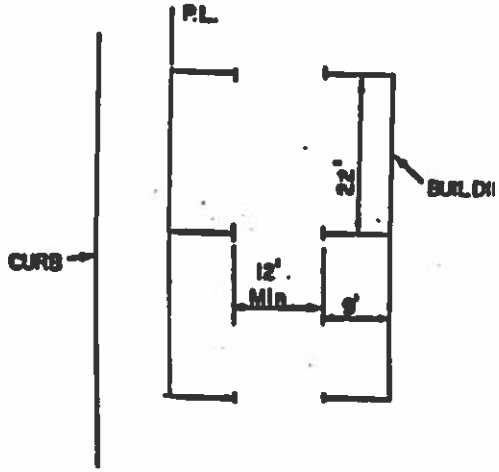


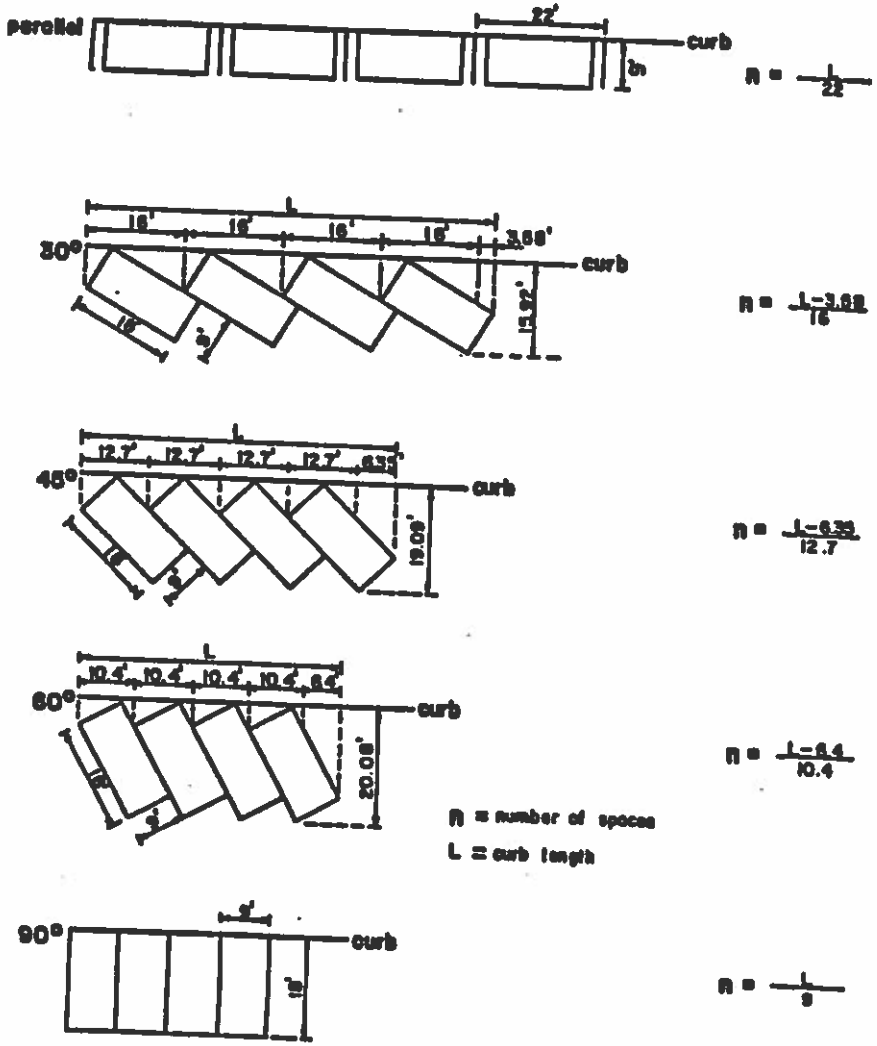
30°

ALLEY STALLS

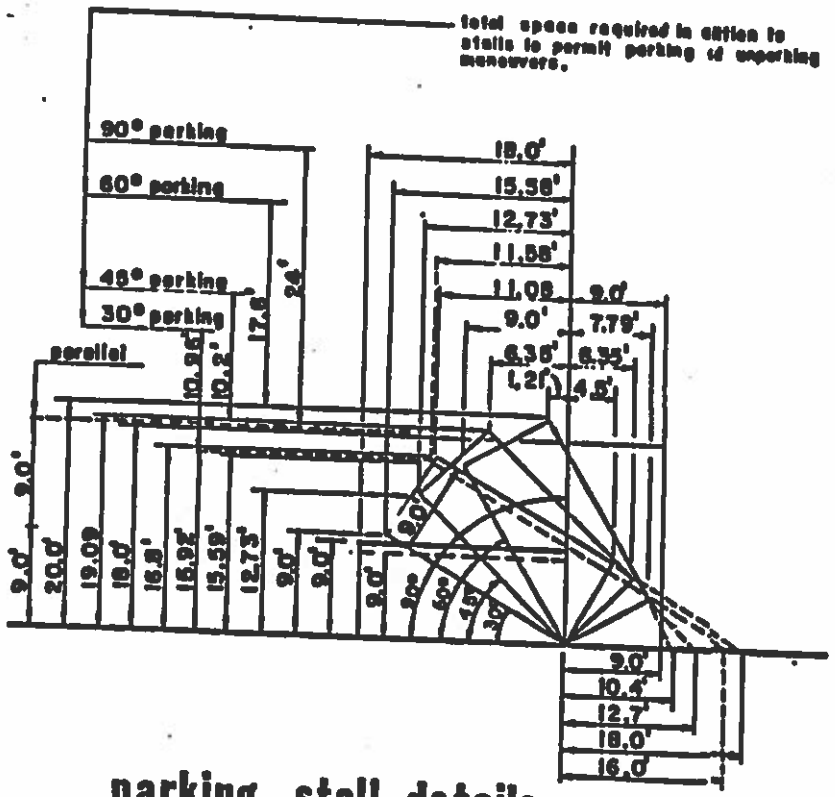


TWO ROWS OF PARALLEL PARKING





space requirements for parking at various angles



parking stall details

dimensional elements of 9.0' x 18.0' parking stalls parallel to curb and at 30°, 45°, 60° and 90° angles.

SPECIFIC USE PERMITS

SPECIFIC USE PERMITS

SPECIFIC USE PERMITS APPROVED WITH THE ADOPTION OF ORDINANCE NO. 72-01
OR BY AMENDMENT THERETO AND ADOPTED BY THIS ORDINANCE
AND REFERENCED ON THE ZONING DISTRICT MAP:

Specific Use Permit Number	Type of Use and Reference
S-1	Nursing Home
S-2	Y.M.C.A.
S-2 (Amendment)	Day Care Center - Ord. No. 89-88 11/14/89
S-3	Water Treatment Plant and Ground Storage
S-4	Ector County Service Yard
S-5	City of Odessa Municipal Service Yard
S-6	Ector County Cemetery
S-7	Waste Water Treatment Plant
S-10	Nursery School - Ord. No. 72-53
S-11	Hospital - Ord. No. 72-72
S-12	Nursery School - Ord. No. 72-74
S-13	Florist Shop - Ord. No. 73-3
S-14	Miniature Golf Course - Ord. No. 73-20
S-15	Cemetery - Ord. No. 73-21
S-16	Out-Patient Medical Clinic - Ord. No. 73-42
S-17	Nursing Home - Ord. No. 73-100
S-18	Nursery School - Ord. No. 73-109
S-19	Parking Lot - Ord. No. 74-38
S-20	Copying Machine Sales & Service - Ord. No. 74-67
S-20 A-1	Amendment to Ord. No. 74-67 - Ord. No. 77-6
S-21	One-Chair Beauty Shop - Ord. No. 74-71
S-23	One-Chair Beauty Shop - Ord. No. 74-77
S-24	One-Chair Beauty Shop - Ord. No. 74-78
S-25	One-Chair Beauty Shop - Ord. No. 74-84
S-26	Nursery School - Ord. No. 74-89
S-28	One-Chair Beauty Shop - Ord. No. 75-1
S-29	Mini-warehouses - Ord. No. 75-8

SPECIFIC USE PERMITS (continued)

Specific Use Permit Number	Type of Use and Reference
S-30	Out-patient Dental Clinic - Ord. NO. 75-10
S-32	Mini-warehouses - Ord. No. 75-27
S-33	Mini-warehouses - Ord. No. 75-62
S-34	One-Chair Beauty Shop - Ord. No. 76-54
S-35	Business Sign - Ord. No. 76-55
S-37	Handicrafts and Art Objects Shop - Ord. No. 76-100
S-39	One-Chair Beauty Shop - Ord. No. 76-102
S-40	Nursery School - Ord. No. 76-140
S-41	One-Chair Beauty Shop - Ord. No. 76-141
S-42	Barber Shop - Ord. No. 76-145
S-43	Business Sign - Ord. No. 76-148
S-44	Tennis Club - Ord. No. 76-157
S-45	Institution of Religious, Charitable or Philanthropic Nature (Office and Recreational Facility) - Ord. No. 77-2; 78-91
S-45 (Amendment)	Additional Building Area - Ord. No. 85-42 5/28/85
S-46	One-Chair Beauty Shop - Ord. No. 77-14
S-48	Mini-warehouses - Ord. No. 77-29
S-49 (amended Ord. #78-122)	Institution of Religious, Charitable or Philanthropic Nature (Office and and Recreational Facility) - Ord. No. 77-93
S-50	Nursery School - Ord. No. 77-129 11/8/77
S-51	Off-street Parking - Ord. No. 78-39 3/14/78
S-53	Mini-warehouses - Ord. No. 78-86
S-54	Mini-warehouses - Ord. No. 78-99
S-55	Nursery School - Ord. No. 78-121
S-56	Nursery School - Ord. No. 78-131
S-57	One-Chair Beauty Shop - Ord. No. 78-177
S-58	Nursery School - Ord. No. 78-195
S-59	Nursery School - Ord. No. 78-218
S-60	Nursery School - Ord. No. 78-219
S-61	One-Chair Beauty Shop - Ord. No. 79-8 1/23/79
S-62	Nursery School - Ord. No. 79-9 1/23/79
S-63	Dance Hall - Ord. No. 79-46 4/24/79

SPECIFIC USE PERMITS (continued)

Specific Use Permit Number	Type of Use and Reference
S-64	Dance Hall - Ord. No. 79-65 5/22/79
S-65	Dance Hall - Ord. No. 79-97 7/31/79
S-66	YMCA Branch - Ord. 79-127 9/25/79
S-67	Nursery School - Ord. No. 80-70 4/22/80
S-68	Repair Garage - Ord. No. 80-83 5/13/80
S-69	One-Chair Beauty Shop - Ord. No. 80-108 6/24/80
S-70	One-Chair Beauty Shop - Ord. No. 80-109 6/24/80
S-71	Trailer or Mobile Home Sales or Rental Agency - Ord. No. 80-134 8/26/80
S-72	One-Chair Beauty Shop - Ord. No. 80-135 8/26/80
S-73	Business Sign in "O" Zoning Dist. for Day Care Center - Ord. No. 80-140 9/9/80
S-74	Helistop in a "CB-1" Zoning Dist. - Ord. No. 80-141 9/9/80
S-75	YMCA Branch in an "MF-1" Zoning Dist. - Ord. No. 80-190 11/14/80
S-76	Operate Day Care Center in "GR" Zoning Dist. - Ord. No. 80-197 12/9/80
S-77	Free Standing Business Sign in "O" Zoning Dist. - Ord. No. 80-198 12/9/80
S-78	Business Sign in "MC" Zoning Dist. - Ord. No. 80-48 3/10/81
S-79	Stadium (Public) in an "SF-3" Zoning Dist. - Case No. 81/58 3/24/81
S-80	Business Sign in "O" Zoning Dist. - Case No. 81-129 6/23/81
S-81	One-Chair Beauty Shop - Case No. 81-131 6/23/81
S-82	Eight-Chair Beauty Shop - Ord. No. 81-151 7/14/81
S-82 (Dup. #)	Nursery School - Ord. No. 81-192 7/28/81
S-83	Nursery School - Ord. No. 81-215 9/8/81
S-84	Institute of Philanthropic Nature - Ord. No. 81-238 10/13/81
S-85	Night Club - Ord. No. 81-252 10/20/81
S-86	Mini-warehouses - Ord. No. 81-253 10/20/81
S-87	One-Chair Beauty Shop - Ord. No. 81-272 11/10/81
S-88	Mini-warehouses - Ord. No. 81-271 11/10/81
S-88 (Dup. #)	Fraternal Club or Lodge - Ord. No. 81-314 12/15/81
S-88 (Amendment)	Fraternal Club or Lodge - Ord. No. 83-67 7/12/83
S-89	One-Chair Beauty Shop - Ord. No. 82-17 1/26/82
S-90	One-Chair Beauty Shop - Ord. No. 82-22 1/26/82
S-91	Auto Repair Shop - Ord. No. 82-121 5/11/82

SPECIFIC USE PERMITS (continued)

Specific Use Permit Number	Type of Use and Reference
S-92	Restaurant - Ord. No. 82-122 5/11/82
S-93	One-Chair Beauty Shop - Case No. 82-176 6/22/82
S-94	Day Care - Case No. 82-187 7/13/82
S-95	One-Chair Beauty Shop - Case No. 82-243 8/24/82
S-96	One-Chair Beauty Shop - Ord. No. 82-230 9/14/82
S-97	Fraternal Club - Ord. No. 82-280 11/23/82
S-98	Nursery School - Ord. No. 82-303 12/22/82
S-99	One-Chair Beauty Shop - Ord. No. 83-19 2/22/83
S-100	Repair Garage - Ord. No. 83-36 3/22/83
S-101	One-Chair Beauty Shop - Ord. No. 83-61 5/24/83
S-102	One-Chair Beauty Shop - Ord. No. 83-104 10/6/83
S-103	One-Chair Beauty Shop - Ord. No. 83-111 10/6/83
S-103 (Dup. #)	Nursery School - Ord. No. 83-123 12/13/83
S-104	Business Sign in "MC" District - Ord. No. 84-6 1/10/84
S-105	Day Care Center - Ord. No. 84-26 3/27/84; Ord. No. 86-81 12/9/86
S-106	Service Shop - Ord. No. 84-27 3/27/84
S-107	Business Sign in "MC" District - Ord. No. 84-35 4/10/84
S-108	Day Care Center - Ord. No. 84-43 5/8/84
S-109	Home for Elderly - Ord. No. 84-56 6/26/84
S-110	One-Chair Beauty Shop - Ord. No. 84-98 9/25/84
S-111	Repair Garage - Ord. No. 84-117 10/18/84
S-112	One-Chair Beauty Shop - Ord. No. 85-27 3/26/85
S-114	One-Chair Beauty Shop - Ord. No. 85-43 5/28/85
S-115	Repair Garage - Ord. No. 85-59 8/13/85
S-116	Contracting Business - Ord. No. 85-67 8/27/85
S-117	Custom Personal Service - Ord. No. 85-87 11/12/85
S-118	Residential Home for Elderly - Ord. No. 86-03 1/14/86
S-119	One-Chair Beauty Shop - Ord. No. 86-26 4/29/86
S-120	Sales Space Contracting Business - Ord. No. 86-46 7/22/86
S-121	Dance Hall or Night Club - Ord. No. 86-67 10/14/86
S-122	One-Chair Beauty Shop - Ord. No. 86-78 11/6/86
S-123	Sales Space Contracting Business - Ord. No. 87-10 3/10/87

SPECIFIC USE PERMITS (continued)

Specific Use Permit Number	Type of Use and Reference
S-124	One-Chair Beauty Shop - Ord. No. 87-39 7/28/87
S-125	Repair Garage - Ord. No. 87-74 12/8/87
S-126	Day Care Center - Ord. No. 88-01 1/12/88
S-127	One-Chair Manicure Shop - Ord. No. 88-48 6/28/88
S-128	One-Chair Beauty Shop - Ord. No. 88-90 10/24/88
S-129	Concrete Batching Plant (Temporary) - Ord. No. 89-28 4/11/89
S-130	Concrete Batching Plant (Temporary) - Ord. No. 89-29 4/11/89
S-131	One-Chair Beauty Shop - Ord. No. 89-35 4/25/89
S-131 (Dup. #)	Heliport - Ord. No. 89-75 10/10/89
S-132	One-Chair Beauty Shop - Ord. No. 89-76 10/10/89
S-133	One-Chair Beauty Shop - Ord. No. 90-17 2/13/90
S-134	One-Chair Beauty Shop - Ord. No. 90-31 5/8/90
S-135	Institution for the Homeless - Ord. No. 90-42 8/14/90
S-136	Repair Garage - Ord. No. 90-67 10/23/90
S-137	Day Care Center - Ord. No. 90-71 11/13/90
S-138	Nursery - Ord. No. 93-12 3/23/93
S-139	One-Chair Beauty Shop - Ord. No. 94-19 03/22/94
S-140	Repair Garage - Ord. No. 94-35 05/24/94
S-141	Auto Painting and Body Rebuilding Shop - Ord. No. 94-46 06/28/94
S-142	Auto Painting and Body Rebuilding Shop - Ord. No. 94-52 07/26/94
S-143	Mini-Warehouses -- Ord. No. 95-22 04/25/95
S-144	Residence Home for the Elderly -- Ord. No. 95-27 05/09/95
S-145	Kindergarten or Nursery School -- Ord. No. 96-37 05/14/96
S-146	Repair Garage -- Ord. No. 96-53 08/27/96
S-147	One-chair Beauty Shop -- Ord. No. 96-61 09/24/96
S-148	Dance Hall/Night Club -- Ord. No. 97-35 08/26/97
S-149	Scrap Metal Recycling Facility -- Ord. No. 98-01 01/13/98
S-150	Mini-Warehouses -- Ord. No. 98-60 10/13/98
S-151	One-Chair Beauty Shop -- Ord. No. 99-01 01/12/99
S-152	Auto Painting and Body Rebuilding Shop -- Ord. No. 99-19 03/23/99
S-153	Custom Personal Service Shop (Beauty Shop) -- Ord. No. 99-22-29 06/22/99

SPECIFIC USE PERMITS (continued)

Specific Use Permit Number	Type of Use and Reference
S-154	70 ft. Wireless Communication Tower -- Ord. No. 99-56 11/22/99
S-155	One-Chair Beauty Shop -- Ord. No. 2000-29 09/12/00
S-156	One Chair Beauty Shop -- Ord. No. 2001-12 03/27/01
S-157	Scrap Metal Recycling Facility (Open Salvage Yard for Vehicles, Machinery or Materials) -- Ord. No. 2001-21 05/08/01
S-158	One-Chair Beauty Shop -- Ord. No. 2001-24 06/12/01
S-159	Auto Painting and Body Rebuilding Shop -- Ord. No. 2001-38 08-28-01
S-159 (Dup. #)	One-Chair Beauty Shop -- Ord. #2001-49 12-11-01
S-160	Dance Hall/Night Club -- Ord. #2002-11 03-12-02
S-161	Private Park Area -- Ord. #2002-12 03-12-02
S-163	Mini-Warehouse Storage Facility – Ord. #2002-25 05/21/02
S-164	Helistop – Ord. #2002-32 07/22/02
S-165	Mini-Warehouse Storage Facility – Ord. #2002-50 11/26/02
S-166	One-Chair Beauty Shop – Ord. #2003-04 01/28/03
S-167	One-Chair Beauty Shop – Ord. #2003-23 05/27/03
S-168	Helistop – Ord. #2003-24 05/27/03
S-169	Heliport – Ord. #2003-33 08/26/03
S-170	100' Tower – Ord. #2004-28 07/27/04
S-171	Mini Warehouse Storage Facility – Ord. #2004-34 09/28/04
S-172	Mini-Warehouse Storage Facility – Ord. #2005-02 01/25/05
S-173	One-Chair Beauty Shop – Ord. #2005-06 01/25/05
S-174	Custom Personal Service Shop – Ord. #2005-09 05/10/05
S-175	One-Chair Beauty Shop – Ord. #2006-12 03/14/06
S-176	Lounge or Tavern -- Ord. #2006-35 06/27/06
S-177	Custom Personal Shop – Ord. #2006-36 06/27/06
S-178	Cemetery – Ord. #2006-38 06/27/06

PLANNED DEVELOPMENT DISTRICTS

PLANNED DEVELOPMENT DISTRICTS

PLANNED DEVELOPMENT DISTRICTS APPROVED UNDER PROVISIONS OF ORDINANCE NO. 72-01 AND ADOPTED BY THIS ORDINANCE AND REFERENCED ON THE ZONING DISTRICT MAP:

Planned Development Number	Type of Use/Location	Ordinance Number
PD-2	Planned Recreation Center/Brentwood & Grandview	73-19
PD-3	Planned Housing Development/San Miguel Square	73-87
PD-4	Industrial Park Development/Monahans & Barrett	73-96 73-106
PD-5	Planned Office Center/42nd & Grandview	74-57
PD-6	Planned Housing Development/Chimney Hollow	75-20
PD-7	Planned Housing Development/Oakwood & Brittany	76-12
PD-8	Planned Housing Development/Oakwood & Brittany	76-27
PD-9	Planned Office Center/JBS Parkway, Terk, 3rd Filing	77-30
PD-10	Planned Recreation Center/YMCA	77-69
PD-11	Community Unit Development/Pleasant & Kermit Hwy.	77-134
PD-12	Planned Housing Development/Kelly & 11th	78-30
PD-13	Planned Housing Development/Quail Run	78-48
PD-14	Planned Office Center/900 blk. E. 11th	78-167
PD-15 (amended Ord. 79-32)	Planned Housing Development/10th & Kelly	78-203
PD-16	Planned Housing Development/Monahans & Milton	78-213
PD-17	Planned Office Center/4400 blk. Grandview	79-1
PD-18	Shopping Center/L. 2, B. 28, Univ. Gardens, 5th Filing	79-64
PD-19	Planned Office Center/L. 4, B. 24, N. Co. Club Est., 5th	79-98
PD-20	Planned Development--Manufactured Housing/300 blk. Carolyn Dr.	79-147

Case File Number	Type of Use/Location	Ordinance Number (when known)
79-148	Special Planned Development/Terrace Hills, 1st Filing	80-7
80-07	Special Planned Development/3214 Blossom	80-44

PLANNED DEVELOPMENT (continued)

Case File Number	Type of Use/Location	Ordinance Number (when known)
80-24	Special Planned Development/2500 blk. Rocky Ln.	80-36
80-85	Special Planned Development/Santa Cruz & Baca	80-117
80-100	Special Planned Development/2300 Beverly	80-127
80-104	Special Planned Development (site plan)/Santa Cruz & Baca	80-126
80-107	Special Planned Development/Fountain Ct. & Parkway	80-137
80-156	Planned Development Commercial/88th & And. Hwy.	80-188
80-174	Special Planned Development/Rocky Ln. & Alta Vista	80-214
80-176	Special Planned Development/Co. Club Dr. & Ivy Ln.	80-207
80-177	Special Planned Development--Drill Reservation/See 80-176	80-208
81-02	Special Planned Development/2500 blk. Bob White	81-9
81-21 (81-31 Site Plan)	Special Planned Development/3400 & 3500 blk. Rocky Ln.	81-32
81-65	Special Planned Development/4300 blk. Esmond Dr.	81-72
81-83	Special Planned Development/4400 blk. Hinkle	81-91
81-99	Special Planned Development/3800 blk. Scott	81-102
81-144	Special Planned Development/Lyndale & Grandview (13.71 ac.)	81 -152
81-145	Special Planned Development/52nd St. (Sec. 12;1.09 ac.)	81-153
81-146	Special Planned Development/Wimberly & Grandview (4.18 ac.)	81-154
81-165	Special Planned Development/52nd St. (Sec. 12;8.97 ac.)	81-171
81-168	Planned Development Housing/2800 blk. W. 3rd	81-174
81-244	Planned Development Housing/2800 blk. W. 3rd (site plan)	81-247
82-08	Planned Development Housing/Newell & Stoneyridge	82-16
82-88	Special Planned Development/6.76 ac. Sec. 12 (northern boundary line E. of Esmond)	82-99
82-89	Special Planned Development/1.09 ac. Sec. 12 (north of intersection of Wimberly & Grandview)	82-100
82-103	Planned Development Housing/Newell & Stoneyridge	82-101
82-104	Planned Development--Drill Reservation/Stoneyridge east of Newell)	82-102
82-129	Special Planned Development/Tobosa & Charles Walker	82-135
82-149	Planned Development Commercial/8800 blk. And. Hwy.	82-173

PLANNED DEVELOPMENT (continued)

Case File Number	Type of Use/Location	Ordinance Number (when known)
82-204	Special Planned Development/Alcove & Newell (did not go to Council--see 82-258)	
82-222	Special Planned Development/intersection of proposed Faudree & San Subia and Dorado & San Antonio	82-221
82-225	Planned Development Housing/intersection of proposed Santa Fe Court & Mission Dr.	82-224
82-231	Planned Development Housing/Grandview & Independence	82-272
82-258 (amended No. 82-204)	Special Planned Development/Alcove & Newell	82-250
82-294	Planned Development Community Center/608 Meyers	82-258
83-99	Planned Development Retail/W. Univ. & Troy	84-3
85-16	Planned Development Office/Dorado & San Antonio	85-33
85-45	Planned Development Housing/3400 blk. N. Washington	85-55
85-47	Planned Development Housing/400 blk. Ellis Dr.	85-57
85-56	Planned Development Retail/Eastridge & Loop 338	85-63
85-84	Special Planned Development/Esmond & Lieb Ct.	86-02
85-86	Planned Development Office/Parkway & University	86-18
87-19	Planned Development Retail/Grandview & Brentwood	87-31
87-33	Planned Development Retail/Light Commercial/Grandview and University	87-64
88-54	Planned Development Retail/3800 blk. Dixie	89-01
89-18	Planned Development Retail/3400 blk. Brentwood	89-59
91-01	Planned Development Commercial/1919 E. 8th	91-01
91-03	Planned Development Commercial/301 E. Clements	91-13
91-07	Planned Development Housing/Eastridge & Stoneyridge	91-18
91-18	Planned Development Central Business One/709 N. Lee	91-82
91-20	Planned Development Housing/1300 blk. French	91-43
92-31	Special Planned Development/Grandview & Independence	92-69
93-19	Amend Planned Development Housing/#7 Santa Fe Place	93-33
93-25	Amend Planned Development Commercial/1919 E. 8th	93-57

PLANNED DEVELOPMENT (continued)

Case File Number	Type of Use/Location	Ordinance Number (when known)
94-36	Planned Development Housing/Newell & Stoney Ridge	94-47
94-42	Amend Planned Development Commercial/1919 E. 8th	94-53
94-58	Special Dwelling District/53rd & Tanglewood	94-62
94-59	Special Dwelling District/52nd & New Orleans	94-63
94-86	Planned Ddevelopment Retail/8600 blk. U.S.Hwy 385	94-81
95-29	Amend Planned Development Housing/3004 Woodridge	95-45
95-47	Amend Planned Development Housing/Chimney Hollow	96-01
96-01	Planned Development Retail/903 N. Sam Houston	96-08
96-08	Planned Development Retail/930 E. 12th	96-14
96-09	Amend Planned Development Retail/8600 blk. U.S.Hwy 385	96-21
96-40	Amend Planned Development Retail/903 N. Sam Houston	96-51
96-58	Amend Special Planned Development (Administrative)/Santa Cruz & Baca	
96-66	Amend Planned Development (Administrative)/3500 blk. E. University	
97-01	Planned Development-Housing/#10 Santa Fe Pl.	97-01
97-02	Planned Development-Housing/Muirfield & St. Andrews	97-02
97-20	Planned Development-Light Commercial/1512 W. 12th	97-25
97-21	Planned Development-Light Commercial/100 blk. E. Pecos	97-26
97-46	Planned Development-Light Industrial/Marco & Commerce	97-49
97-57	Planned Development-Retail/4100 blk. E. 53rd	98-02
98-02Z	Planned Development-Retail/E. Loop 338 & Eastridge	98-50
98-05Z	Planned Development-Office/Sunset Memorial Gardens	98-29
99-07Z	Planned Development-Light Commercial/3000 blk. E. Loop 338	99-27
99-18Z	Special Dwelling District/Stoney Ridge and Piedmont	2000-01
2000-02Z	Amend Planned Development Retail/903 N. Sam Houston	2000-05
2000-06Z	Planned Development-Neighborhood Service/800 block Lauderdale	2000-20
2001-02Z	Planned Development-Office/1212 W. 25th	2001-26
2001-09Z	Planned Development-Office/2525 N. Hancock	

PLANNED DEVELOPMENT (continued)

Case File Number	Type of Use/Location	Ordinance Number (when known)
2001-12Z	Amend Planned Development-Housing/#14 Santa Fe Place	2001-44
2001-14Z	Planned Development-Office/555 E 92nd St.	2001-51
2002-01Z	Planned Development-Neighborhood Service/300 block Patterson & 300 block Fitch	2002-04
2002-12Z	Planned Development-Office (1404 E. 13th)	2002-33
2002-14Z	Planned Development-Office (Mission Dr. & Mission Blvd.)	2002-43
2002-15Z (amended 2002-14Z)	Planned Development-Office (Mission Dr. & Mission Blvd.)	2002-47
2002-19Z	Special Dwelling District (Billy Hext & Eastridge)	2003-05
2003-03Z	Planned Development-Single Family (Billy Hext & Eastridge)	2003-19
2003-05Z	Planned Development-Single Family (along Kahala, Kauai & Waimea)	2003-22
2003-09Z (amendment)	Planned Development-Retail (3400 block Brentwood)	2003-31
2005-06Z	Planned Development-Two-Family-One (W. 9th & Alleghaney	2005-16
2005-10Z	Planned Development-Single Family-Estate (Hwy. 191 & Faudree	2005-26
2006-02Z	Planned Development-Single Family (Old Bankhead Hwy. & Faudree)	2006-10
2006-04Z	Planned Development-Housing (Prestwick & Muirfield)	2006-20
2006-08Z	Special Dwelling District (Eastridge & Billy Hext)	2006-27
2006-12Z	Special Dwelling District (Newell & Amber)	2006-32
2006-16z	Special Dwelling District (Billy Hext & Eastridge)	2006-39
2006-18Z	Planned Development-Light Industrial (9600 & 9700 blk. Andrews Hwy.)	2006-42
2006-19Z	Special Dwelling District (1300 blk. Belmont)	2006-44
2006-20Z	Special Dwelling District (Faudree and Old Bankhead Hwy.)	2006-45

HISTORICAL DISTRICTS/LANDMARKS

HISTORICAL DISTRICTS/LANDMARKS APPROVED UNDER PROVISIONS OF ORDINANCE NO. 96-32 AND ADOPTED BY THIS ORDINANCE AND REFERENCED ON THE ZONING DISTRICT MAP

Historical District/Landmark Number	District/Landmark Location and Reference
HL-1	Parker House, 1200 block of Maple--Ord. #97-05 02/25/97
HL-2	White-Pool House, SE corner the intersection of E. Murphy & S. Texas--Ord. #97-06 02/25/97
HL-3	Henderson Drug Building, 200 block of N. Grant--Ord. #97-07 02/25/97
HL-4	Mellie Van Horn's Historic Inn, 903 N. Sam Houston--Ord. #97-28 07/22/97