

**THE TOWN OF
ST. PAUL, TEXAS**

Ordinance No. 130

**COMPREHENSIVE
ZONING ORDINANCE**

As amended through December 8, 2014

ARTICLE 1	5
ESTABLISHMENT OF CONTROLS	5
<i>Section 1-1. Short Title and Application of Ordinance</i>	5
<i>Section 1-2. Interpretation and Purposes</i>	5
<i>Section 1-3. Scope</i>	5
<i>Section 1-4. Definitions</i>	6
<i>Section 1-5. Tense, Plurality, Etc</i>	11
<i>Section 1-6. Compliance with the Regulations</i>	11
ARTICLE 2	13
ADMINISTRATION AND ENFORCEMENT	13
<i>Section 2-1. Building Permits</i>	13
<i>Section 2-2. Enforcement and Penalties</i>	13
ARTICLE 3	14
CHANGES AND AMENDMENTS	14
<i>Section 3-1. Declaration of Policy</i>	14
<i>Section 3-2. Authority to Amend</i>	14
<i>Section 3-3. Procedure</i>	14
<i>Section 3-4. Limitation on Re-Application</i>	16
ARTICLE 4	17
ESTABLISHMENT OF DISTRICTS AND BOUNDARIES	17
<i>Section 4-1. Establishment of Districts</i>	17
ARTICLE 5	18
OFFICIAL ZONING MAP	18
<i>Section 5-1. Maintenance of Zoning Map</i>	18
<i>Section 5-2. Rules for the Interpretation of District Boundaries</i>	18
ARTICLE 6	20
"R1.5" SINGLE FAMILY RESIDENTIAL DISTRICT	20
<i>Section 6-1. Use Regulations</i>	20
<i>Section 6-2. Height Regulations</i>	20
<i>Section 6-3. Area Regulations</i>	20
<i>Section 6-4. Building Regulations</i>	21
<i>Section 6-5. Miscellaneous Regulations</i>	21
ARTICLE 7	22
"MH" MANUFACTURED HOME DISTRICT	22
<i>Section 7-1. Purpose</i>	22
<i>Section 7-2. Use Regulations</i>	22
<i>Section 7-3. Manufactured Home District</i>	22
<i>Section 7-4. Height, Lot, and Yard Requirements</i>	22
<i>Section 7-5. Parking Regulations</i>	23
<i>Section 7-6. Supports, Tie-Downs and Skirting</i>	23
ARTICLE 8	24
"CR" COMMERCIAL RETAIL DISTRICT REGULATIONS	24
<i>Section 8-1. General Purpose and Description</i>	24
<i>Section 8-2. Building Regulations</i>	24
<i>Section 8-3. Height Regulations</i>	25
<i>Section 8-4. Area Regulations</i>	25

ARTICLE 9	26
“OF” OFFICE DISTRICT	26
<i>Section 9-1. General Purpose and Description</i>	26
<i>Section 9-2. Building Regulations.</i>	26
<i>Section 9-3. Height Regulations.</i>	27
<i>Section 9-4. Area Regulations.</i>	27
ARTICLE 10	28
“LI” LIGHT INDUSTRIAL DISTRICT.....	28
<i>Section 10-1 General Purpose and Description.</i>	28
<i>Section 10-2. Building Regulations.</i>	28
<i>Section 10-3. Height Regulations.</i>	29
<i>Section 10-4. Area Regulations.</i>	29
ARTICLE 11	30
“PU” PUBLIC USE DISTRICT.....	30
<i>Section 11-1. General Purpose and Description.</i>	30
<i>Section 11-2 Building Regulations.</i>	30
<i>Section 11-3. Height Regulations.</i>	31
<i>Section 11-4. Area Regulations.</i>	31
ARTICLE 12	32
SPECIFIC USE PERMITS	32
<i>Section 12-1. Public Hearings Concerning Request for Permit</i>	32
<i>Section 12-2. Specific Use Permit Considered as Amendment.</i>	32
<i>Section 12-3. Recommendations Considered as Advisory in Nature</i>	33
<i>Section 12-4. Zoning Map to Show Place of Specific Use.</i>	33
TABLE 1 USE REGULATIONS	34
ARTICLE 13	37
PLAN APPROVAL NON-R 1.5 DEVELOPMENT	37
<i>Section 13-1. Submission of Plans</i>	37
ARTICLE 14	38
OFF-STREET PARKING AND LOADING REGULATIONS	38
<i>Section 14-1. Parking Requirements Based on Use.</i>	38
<i>Section 14-2. Rules for Computing Number of Parking Spaces.</i>	39
<i>Section 14-3. Minimum Distance for Off-Street Parking.</i>	39
<i>Section 14-4. Off-Street Loading Space.</i>	39
ARTICLE 15	41
PERFORMANCE STANDARDS	41
<i>Section 15-1. Conformance With Standards.</i>	41
<i>Section 15-2. Noise</i>	41
<i>Section 15-3. Smoke and Particulate Matter.</i>	42
<i>Section 15-4. Odorous Matter.</i>	43
<i>Section 15-5. Fire and Explosive Hazard Material.</i>	43
<i>Section 15-6. Toxic and Noxious Matter.</i>	43
<i>Section 15-7. Vibration.</i>	43
<i>Section 15-8. Glare</i>	44
<i>Section 15-9. Waste Materials</i>	44
<i>Section 15-10. Animals.</i>	44
ARTICLE 16	45
HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS	45

<i>Section 16-1. Height</i>	45
<i>Section 16-2. Front Yards</i>	45
<i>Section 16-3. Side Yards</i>	46
<i>Section 16-4. Rear Yards</i>	46
ARTICLE 17	47
NONCONFORMING LOTS AND USES	47
<i>Section 17-1. Nonconforming Status</i>	47
<i>Section 17-2. Existing Lots Less Than 1.5 Acres</i>	47
<i>Section 17-3. Existing Uses</i>	47
<i>Section 17-4. Existing Building</i>	47
<i>Section 17-5. Voluntary Abandonment or Change</i>	48
<i>Section 17-6. Existing Residence</i>	48
<i>Section 17-7. Repairs and Reconstruction</i>	48
ARTICLE 18	49
BOARD OF ADJUSTMENT.....	49
<i>Section 18-1. Organization and Procedure</i>	49
<i>Section 18-2. Appeals</i>	49
<i>Section 18-3. Powers and Duties of Board</i>	50
ARTICLE 19	52
SEXUALLY ORIENTED BUSINESS	52
<i>Section 19-1</i>	<i>Purpose</i>
.....	52
<i>Section 19-2</i>	<i>Definitions:</i>
.....	52

ARTICLE 1

ESTABLISHMENT OF CONTROLS

Section 1-1. Short Title and Application of Ordinance.

These regulations shall be known and may be cited as, "The Town of St. Paul, Texas, Comprehensive Zoning Ordinance," and shall apply to the land within the corporate limits of the Town.

Section 1-2. Interpretation and Purposes.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for promotion of the public health, safety, and welfare. The zoning regulations and districts established herein have been made for the purpose of promoting health, safety, moral responsibility, and the general welfare of the Town, and have been designed, among other things:

- to lessen congestion on streets;
- to secure safety from fire, panic, and other dangers;
- to promote health and the general welfare;
- 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, sewers, schools, parks, and other public requirements;
- to conserve the value of the property and encourage the most appropriate use of land throughout the community;
- to minimize the threat of release, spillage or seepage of trash, garbage, debris, sewage, wastewater, noxious fumes or odors, or toxic materials; and
- to lessen the potential pollution of the environment in the Town or its environs.

Section 1-3. Scope.

It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these regulations shall govern. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern.

Section 1-4. Definitions.

Accessory Building or Use: A building or use is one which (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; (c) contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the main building or principal use served. "Accessory" when used herein shall have the same meaning as accessory use.

Alley: A public space or thoroughfare which may afford secondary means of access to property abutting thereon.

Area of the Lot: The area of the lot shall be the net area of the lot and shall not include portions of public streets, alleys, and land designated as the 100 year flood plain.

Auto Laundry: A building, or portion thereof, containing facilities for washing automobiles using automated methods including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service type of carwash is an auto laundry.

Basement: A building story (basement or cellar) which is partly underground but having at least one-half its height above the level of the adjoining ground. The portion below the level of the adjoining ground shall not be counted in computing building height.

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 the said side.

Board: The Board of Adjustment of the Town of St. Paul, Texas.

Building: Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Height: The number of stories contained in a building and/or the number of feet above the level of the adjoining ground.

Building Line (Setback Line): A line parallel or approximately parallel to the road easement or right-of-way or property line at a specific distance therefrom marking the minimum distance from the street line or property line that a building may be erected.

Building Lot: A single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots" or a number of "building lots," subject to the provisions of this Ordinance and the Subdivision Ordinance.

Building Official: The Building Inspector or administrative official charged with the responsibility for issuing permits and enforcing the Town's zoning ordinances, subdivision ordinance, and building codes.

Certificate of Occupancy or Compliance: An official certificate issued by the Town through the Building Official which indicates conformance with or approval of a conditional waiver from the Zoning Regulations and authorizes legal use of the premises for which it was issued.

Church or Rectory: A place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms, and the place of residence for the ministers, priests, rabbis, teachers, and directors of the premises.

Clinic: A group of offices for one or more physicians, surgeons, dentists or similar members of the medical profession to treat sick or injured out-patients or animals.

College or University: An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commission and/or Planning Commission: The Planning and Zoning Commission of the Town of St. Paul, Texas.

Conditional Use: A use which shall be permitted in a particular district only upon fulfillment of the conditions as set forth for that use in the use regulations for the appropriate district.

Convalescent Home: Any structure used for, or customarily occupied by, persons recovering from illnesses or suffering from infirmities of age.

Council: The Town Council of the Town of St. Paul, Texas.

Courtyard: An open, occupied space bounded on more than two (2) sides by the walls of a building. An inner courtyard is entirely surrounded by the exterior walls of a building. An outer courtyard is a court having one side open to a street, alley, yard, or other permanent open space.

Day Nursery or Kindergarten: An establishment where four (4) or more children are left for care or training during the day or portion thereof including a recreation area with or without a building where children engage in supervised training or recreation during daylight hours.

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

Development or to Develop: A "development" includes the construction of new buildings or structures on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

District: A section of the Town for which the regulations of this Ordinance, such as the area, height, use, etc. of the land and buildings, are uniform.

Dwelling, Single-Family: A site built detached building, but not a HUD-Code Manufactured Home, having accommodations for and occupied by not more than one family, located on a lot or separate building tract, and having no physical connection to a building located on any other separate lot or tract.

Dwelling Unit: A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation and sleeping.

Farm or Ranch: An area 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 said premises, but not including the commercial feeding or the feeding of garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law. Swine are prohibited in all areas of the Town except pet Vietnamese (pot bellied) pigs.

Floor Area: The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding unfinished cellars, carports, or garages.

Garage, Auto Repair: A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components. A commercial auto repair garage does not qualify as a home occupation as defined herein.

Golf Course and/or Country Club: An area containing a golf course and/or a club house and available to the public or for private membership. Such operations may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Guest House/Guest Quarters: An accessory building located on the same lot as a principal residence occupied by guests of the principal residence and may not include kitchen facilities and not for use as rental property. Intended for occasional use only by relatives or friends.

Home Occupation: A business, occupation, or profession conducted entirely within a primary residential dwelling unit by a resident thereof, and which shall have the following characteristics: The home occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood.

The activity shall employ only members of the immediate family of a resident of the dwelling unit.

There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business.

Hospital: A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, x-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

HUD-Code Manufactured Home: 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. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

Living Unit: The room or rooms occupied by a family and must include sleeping and cooking facilities.

Lot: Land occupied or to be occupied by a building and its accessory building including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: A "front lot line" is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line providing that a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot Line, Side: A "side lot line" is that boundary of a building lot which is not a front lot line or a rear lot line.

Lot Line, Rear: The "rear lot line" is that boundary of a building lot which is the most distant from and is, or is most nearly, parallel to the front lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin County prior to the adoption of this Ordinance.

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

Masonry: Exterior construction materials including brick, stone, granite, marble, concrete, or

similar materials, and including built-up/tilt panels for commercial structures only. On the recommendation of the Board, the council may approve other materials or building techniques.

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

Mobile Home: A structure that was constructed before June 15, 1976, transported 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.

Noxious Matter: A material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

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

Open Space or Open Areas: 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, or porches.

Open Storage: The storage of any equipment, machinery, commodities, raw or semi-finished materials, and building materials, not accessory to a residential use which is visible from any point on the building lot line when viewed from ground level to six feet (6') above ground level.

Park, Playground, Community Center: An open recreation facility or park owned and operated by a general public agency and available to the general public.

Parking Space: A "parking space" is a surface area, enclosed or unenclosed, sufficient in size to store one automobile together with a surface driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile.

Plat: A plan of a subdivision or development of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of St. Paul and subject to approval by the Planning & Zoning Commission.

Reference to a Plat in this Ordinance means an official Plat of Record which has been approved by the Commission and filed in the plat records of Collin County.

Premises: Land together with any buildings or structures occupying it.

Private Garage: An accessory building housing vehicles owned and used by occupants of the main buildings; if occupied by vehicles of others, it is a storage place.

Public Park: Any publicly owned park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the Town.

Recreation Area: A privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.

Residence: Same as a dwelling; also, when used with District, an area of residential regulations.

Restaurant or Cafeteria: An eating establishment where service to customers at tables and not involving service of food to customers in automobiles.

Rest Home or Nursing Home: A private facility for the care of children, the elderly or infirm, or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

Retail Stores and Shops: Offering all types of consumer goods for sale, but excluding the display and sale in the open outside a building, of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

Rooming House: A residence structure, other than a hotel, used for lodging only for three (3) or

more persons for compensation.

School, Private: A school under the sponsorship of a private agency or corporation other than a public agency.

School, Public or Parochial: A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private, trade, or commercial schools.

Schools, Trade and Commercial: Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.

Screening Device: A "screening device" shall consist of a barrier of stone, brick, pierced brick or block, or other permanent material of equal character, density, and acceptable design of at least six feet (6') in height, where the solid area equals at least sixty-five percent (65%) of the wall surface, including an entrance gate or gates. A screening device shall be continuously maintained.

Servant's Quarters: An accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full-time by the occupants of the principal residence.

Service Station: A building or lot used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale, or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Sexually Oriented Business: See Article 16

Specific Use: A means for developing certain designated uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood.

Stories: The height between the successive floors of a building or from the top floor to the roof.

Street: Any thoroughfare or public driveway, other than an alley, and more than twenty-four feet (24') in width, excluding shoulders and ditches, which has been dedicated to the public for public use.

Street Line: A dividing line between a lot, tract, or parcel of land and contiguous street.

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

Structure: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

Town: The word "Town" shall mean the Town of St. Paul.

Toxic Materials: Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use: The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied and maintained, and shall include any manner of such activity with respect to the standards of this Ordinance.

Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use.

Utility Facilities, Private or Franchised: A nonpublic utility requiring specific facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities.

Yard: An open space other than a court, on the lot on which a building is situated and which is not obstructed from a point forty inches (40") above the general ground level of the graded lot to

the sky, except as provided for roof overhang and similar special features.

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

Yard, Rear: An open, unoccupied space, except for accessory buildings and structures 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 main buildings and the rear lot line as specified in the district in which the lot is located.

Yard, Side: An open, unoccupied space or spaces on one 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. Any lot line not the rear line or a front line shall be deemed a side line.

Zoning District Map: The official certified map upon which the boundaries of the various Districts are drawn and which is an integral part of the Zoning Ordinance.

Section 1-5. Tense, Plurality, Etc.

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "Building" includes the word "Structure;" the word "Lot" includes the words "Plot" and "Tract;" etc. The word "Shall" is mandatory and not discretionary.

Section 1-6. Compliance with the Regulations.

Except as herein specifically provided:

No land shall be used except for a purpose permitted in the district in which it is located.

No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulation of the district in which such building is located.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to the extent specifically provided herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.

The minimum yards, parking spaces, and open area, including lot area per dwelling unit, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or

for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.

Every building hereafter erected or structurally altered shall be located on a building lot as herein defined and, except as specifically provided herein, there shall not be more than one main building on one (1) lot.

No construction of any sanitary landfill, public utility, or facility for the treatment of wastewater in any part of the Town or its extraterritorial jurisdiction and within two thousand feet (2000') of Lake Lavon shall be permitted.

ARTICLE 2

ADMINISTRATION AND ENFORCEMENT

Section 2-1. Building Permits.

A record of the original copy of such application and plans shall be kept in the office of the Town Secretary of the Town of St. Paul and a duplicate copy of the approved plan shall be at the building at all times during construction.

See Addendum A for Residential Building Packet

See Addendum B for Commercial Building Packet

Section 2-2. Enforcement and Penalties.

A. Any person, firm, corporation, or political subdivision that violates any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine of not more than \$2,000.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and such violation is hereby declared to be a common nuisance which may be abated by the Town in any manner authorized by law, including injunction and an action for damages.

ARTICLE 3

CHANGES AND AMENDMENTS

Section 3-1. Declaration of Policy.

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

to correct a manifest error in the regulations or map;

to recognize substantial changed or changing conditions or circumstances in a particular locality;
or

to recognize substantial changes in technology, the style of living, or manner of doing business. Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in the preamble of these regulations.

Section 3-2. Authority to Amend.

The Council from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, may amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement, or change may be ordered for consideration by the Council, be initiated by the Commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of its owner. The Commission on its own motion or on request of Council may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter.

Section 3-3. Procedure.

Proposal Required. Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in Section 1-2, Interpretations and Purposes.

Commission Consideration:

Public Hearing and Notices. Prior to making its report to the Council, the Commission shall hold at least one public hearing thereon. Before the tenth day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification or zoning district boundaries shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. Notice of hearings on proposed changes in zoning regulations shall be accomplished by one publication not less than fifteen (15) days prior to the public hearing in the official paper of the Town of Saint Paul.

Commission Report. The Commission, after the public hearing is closed, shall prepare its final report and recommendations on the proposed change stating its findings and evaluation of the request and of the relationship of the request to the Town Plan at such time as the Town Plan has been adopted by Council. The Commission may defer its final report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Commission shall consider the following factors:

whether the uses permitted by the proposed change would be appropriate in the area concerned;

whether adequate public school facilities and other public services (water, etc.) exist or can be provided to serve the needs of additional structures likely to be constructed as a result of such change and the consequences of such change;

how other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Council Consideration: Every proposal, upon final report of the Commission, shall be forwarded to the Council. When the Commission gives its recommendation that a proposal should be denied, it shall so report and recommend to the Council. Upon receipt of a final report on a proposal, the Council shall schedule its own hearing on the original proposal and recommendation and give appropriate notice.

Appeal Procedure: An appeal from the decision of the Commission recommending denial may be taken whenever any applicant desires to do so. The aggrieved party shall reduce to writing his appeal and file it with the Town Secretary and Commission within thirty (30) days following the Commission action recommending denial. The Town Secretary shall forward the appeal to the Town Council with the regular report of Commission action.

Council Hearing and Notice. The Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the Council, after public hearing and recommendation by the Commission. Notice of the Council hearing shall be given

by publication before the fifteenth day before the date of the hearing of notice of the time and place of the hearing in the official newspaper of the Town.

Negative Recommendations and Written Protest. An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths ($\frac{3}{4}$) of all members of the Council, if:

Written and signed protest is filed by at least 20% of the owners of either:

- a. The area of the lots or land included in the area of the proposed change: or
- b. The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area.

In computing the percentage of land area within 200 feet of the area covered by the proposed change, the area of streets and alleys shall be included.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the Commission or the Council. Written protests filed with the Commission shall be forwarded to the Council with the Commission's recommendation on the request.

Section 3-4. Limitation on Re-Application.

When the Town Council has denied a proposal, or when the applicant has withdrawn his proposal at the Commission meeting thereon, no new applications of like nature shall be accepted by the Town or scheduled for hearing by the Commission within a period of twelve (12) months of the date of the Council denial or applicant's withdrawal. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the Town Council may waive the mandatory delay period and authorize the acceptance of a new application.

ARTICLE 4

ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

Section 4-1. Establishment of Districts.

For the purposes of this Ordinance, the Town is hereby divided into six (6) districts as follows:

“R1.5” - Single family residential, 1.5 acre lots

“CR” - Commercial Retail

“OF” - Office

“LI” - Light Industrial

“PU” – Public Use

“MHD” - Manufactured Home District

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein. Said Zoning Map, properly attested, is on file in the office of the Town Secretary.

ARTICLE 5
OFFICIAL ZONING MAP

Section 5-1. Maintenance of Zoning Map.

The Official Zoning Map shall be kept in the office of the Town Secretary.

It shall be the duty of the Town Engineer and Town Secretary to keep the Official Map current, herein provided for, by entering on such maps any changes which the Town Council may from time to time order by amendments to the zoning regulations of the Town or the zoning map.

The Town Secretary, upon the adoption of this Ordinance, shall affix a certificate identifying the Map in the Secretary's office as the Official Zoning Map of the Town. The Town Secretary shall likewise officially identify the copies directed to be kept by the Commission. All amendments of the Map shall be made immediately after their enactment and the date of the change shall be noted on the Certificate.

Section 5-2. Rules for the Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

Where district boundaries are indicated as approximately following the center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.

Where district boundaries are so dedicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

Where district boundaries are indicated as approximately following a parallel to a drainage course or other prominent physical feature, such drainage course, other prominent physical feature, or parallel line shall be construed to be said boundaries.

Where district boundaries are so indicated that they are approximately parallel to the center line or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions are determined by the use of the scale of said Zoning Map.

Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said street, highways, or drainage courses.

If unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the Map.

In the case of a district boundary line dividing a lot into two (2) parts, the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.

Whenever any street, alley, or other public way is vacated by official action of the Town Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such variation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

Where the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the streets or alleys on the ground shall control.

ARTICLE 6

"R1.5" SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6-1. Use Regulations.

A building or premise located in a R1.5 Single Family Residential District shall be used only for the following purposes in table 1.

Section 6-2. Height Regulations.

No building shall exceed two and one-half (2½) stories in height. In addition to the limit on the number of stories, no building shall exceed a maximum height of 35 feet to the peak of the roof.

Section 6-3. Area Regulations.

Size of Yards.

Front Yard: There shall be a front yard having a depth of not less than fifty feet (50'). Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard.

Side Yard: The side yard shall be not less than twenty feet (20') on each side of the lot.

Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

Lot Area: No building shall be constructed on any lot of less than one and one-half (1½) acres (65,340 sq. ft.).

Lot Width: The width of the lot shall be not less than one hundred sixty feet (160') at the front street building line. The minimum width of a lot on a cul-de-sac shall be not less than thirty-five feet (35') at the property line.

Lot Depth: The depth of the lot shall not be less than two hundred feet (200') from the front property to the rear property line, except that a corner lot may have a depth of less than two hundred feet (200') provided that the minimum depth is not less than one hundred eighty feet (180').

Minimum Dwelling Size: The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, storage areas, porches, and other covered non-living space. Two (2) story houses shall have a minimum floor area of twelve hundred square feet (1,200 sq. ft.) on the first floor.

Lot Coverage: In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

Setbacks: Swimming pools, tennis courts, soccer fields, etc. shall be behind the front building line and be a minimum of twenty feet (20') from the nearest lot line.

Section 6-4. Building Regulations.

A. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the Town.

B. *Masonry Requirement.* Main building exteriors shall be of fire resistant construction having at least 75% percent of all exterior facades (excluding windows and doors) constructed of masonry. Main building exteriors shall not be constructed of sheet metal or rolled siding in lieu of the 75% masonry requirement.

C. *Exceptions to Masonry Requirement.*

1. Use of other materials shall be permitted on an exception basis and must be submitted to the Board by way of an architectural rendering showing all four (4) elevations of the proposed building. Upon approval, the rendering shall become part of the zoning for that site.

2. Exceptions may be considered for, but are not limited to, Log or Victorian home designs. In addition to fire safety and compliance with the Town's building codes, consideration for exceptions to the above requirements may include the following factors:

- a. creative architectural design;
- b. a designs' substantial embodiment of the distinguishing characteristics of a historical architectural type; and
- c. compatibility with surrounding developed properties.

Section 6-5. Miscellaneous Regulations.

Antennas.

No aerial antenna tower may exceed seventy feet (70').

A maximum of one (1) antenna tower per individual homeowner.

The antenna setback from all property lines shall exceed the height of the antenna and/or tower raised to its highest point.

Mobile Homes are not permitted. By permit only, HUD-Code Manufactured Home having a minimum floor area of six hundred square feet (600 sq. ft.), is allowed as the temporary residence of a lot owner for no more than eighteen (18) months while the owner is building his permanent home. Upon completion of the home or eighteen (18) months, whichever comes first, the HUD-Code Manufactured Home shall be removed from the Town or to a Manufactured Home District.

The first twenty five feet (25') of driveways connecting to concrete or asphalt streets shall be concrete or asphalt if curb and gutter.

Section 6-6 Parking;

Parking shall be provided as per Article 14 of this code.

ARTICLE 7

“MHD” MANUFACTURED HOME DISTRICT

Section 7-1. Purpose.

It is the intended purpose of the MHD Manufactured Home District to provide for a district in which manufactured homes are permitted for single family residential use.

Section 7-2. Use Regulations.

A lot in this zoning district may be used for any use allowed in R1.5 District as defined in this Ordinance in addition to the use of a HUD-Code Manufactured home for residential purposes. All ordinances of the Town, state and federal statutes and regulations that relate to health, safety and welfare shall apply to a Manufactured Home District.

Section 7-3. Manufactured Home District.

Any area or tract of land that is zoned as a Manufactured Home District is restricted to one (1) single family residence per lot.

Use is limited to a single-family HUD-Code Manufactured Home as defined herein, or a single-family site built home.

Section 7-4. Height, Lot, and Yard Requirements.

Height, lot, and yard requirements shall conform to the following requirements:

The following requirements shall apply to each developed lot:

Height Regulations: No building or structure shall exceed in height or two (2) stories.

Area Regulations:

Size of Lot: No lot without public sanitary sewer shall be less than one and one-half (1½) acre or sixty five thousand three hundred forty (65,340) square feet exclusive of right-of-way for roads or streets.

Size of Yards for 65,340 square foot lots:

Front Yard: There shall be a front yard having a depth of not less than fifty feet (50').

Side Yard: There shall be a side yard on each side of the lot having a minimum width of twenty feet (20').

Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

Section 7-5. Parking Regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 11 of this Ordinance.

Section 7-6. Supports, Tie-Downs and Skirting.

Every HUD-Code Manufactured Home situated in this district must be supported by cinder blocks or concrete piers at a minimum of eight (8) points under the frame of the HUD-Code Manufactured Home, together with eight (8) tie-downs. Each HUD-Code Manufactured Home must be completely skirted within sixty (60) days from the date of installation.

Section 7-7 Parking;

Parking shall be provided as per Article 14 of this code.

ARTICLE 8

"CR" COMMERCIAL RETAIL DISTRICT REGULATIONS

Section 8-1. General Purpose and Description.

The "CR" Commercial Retail District is intended for neighborhood shopping facilities which provide limited business service facilities predominately for the convenience of residents of the community.

Section 8-2. Building Regulations.

A minimum of 75% of all main building exteriors (excluding windows and doors) shall be constructed of masonry. Use of other materials shall be on an exception basis and must be submitted to the Board of Adjustment by way of an architectural rendering showing all four (4) elevations of the proposed building. Upon approval, the rendering shall become part of the zoning for that site.

All mechanical equipment shall be completely screened from the street and adjoining property by use of an 8 Ft. masonry wall.

Refuse collection areas shall be completely screened by use of an 8 Ft. masonry wall. The enclosure shall be provided with solid architectural metal doors on metal frames finished to match existing development.

Parking and drives shall be concrete and developed in accordance with Article 14 of this document.

Outside storage is allowed only upon issuance of a specific use permit.

No access to a secondary street is allowed if the street primary use is for residential access.

Where a commercial zoned area or lot abuts a residentially zoned area, an 8 Ft. masonry wall is required as a visual barrier and buffer between such lots or areas.

Lighting facilities, if provided shall be so arranged as to be reflected away from residentially zoned or used property. They shall provide illumination within the parking facility not to exceed one (1.0) foot candle at ground level, and shall distribute not more than two-tenths of one (0.2) foot candle of light upon any adjacent residential building or lot.

Business establishments are subject to the following conditions, which shall be applicable to all uses in a commercial district:

the primary business shall be conducted wholly within an enclosed building unless for restaurant use;
areas within required setbacks shall not be used for display, sale or storage of merchandise, or for the storage of materials, vehicles, equipment, containers or waste material.

Section 8-3. Height Regulations.

Height to be determined by a ratio of ten feet (10') in height per fifty feet (50') setback from residential districts but not to exceed two and one-half (2½) stories in height.

Section 8-4. Area Regulations.

Building Area: The total building area, including accessory buildings, shall not exceed a floor area-to-land ratio of 0.40 to 1.

Lot Area: Minimum two (2) acres net, exclusive of all street rights-of-way and the 100 year flood plain as determined by a registered survey.

Front Yard: Minimum fifty feet (50') from front property line.

Side Yard: Minimum twenty feet (20') from side property line.

Rear Yard: Minimum thirty feet (30') from rear property line.

Section 8-5 Parking:

Parking shall be provided as per Article 14 of this code.

ARTICLE 9

“OF” OFFICE DISTRICT

Section 9-1. General Purpose and Description

The "OF" Office District is intended to provide office space which provide business service facilities predominately for the convenience of residents of the community.

Section 9-2. Building Regulations.

A minimum of 75% of all main building exteriors (excluding windows and doors) shall be constructed of masonry. Use of other materials shall be on an exception basis and must be submitted to the Board of Adjustment by way of an architectural rendering showing all four (4) elevations of the proposed building. Upon approval, the rendering shall become part of the zoning for that site.

All mechanical equipment shall be completely screened by use of an 8 Ft. masonry wall.

Refuse collection areas shall be completely screened by use of an 8 Ft. masonry wall. The enclosure shall be provided with solid architectural metal doors on metal frames finished to match existing development.

Parking and drives shall be concrete and developed in accordance with Article 14 of this document.

Outside storage is allowed only upon issuance of a specific use permit.

No access to a secondary street is allowed if the street primary use is for residential access.

Where a commercial zoned area or lot abuts a residentially zoned area, an 8 Ft. masonry wall is required as a visual barrier and buffer between such lots or areas.

Lighting facilities, if provided shall be so arranged as to be reflected away from residentially zoned or used property. They shall provide illumination within the parking facility not to exceed one (1.0) foot candle at ground level, and shall distribute not more than two-tenths of one (0.2) foot candle of light upon any adjacent residential building or lot.

Business establishments are subject to the following conditions, which shall be applicable to all uses in a commercial district:

the primary business shall be conducted wholly within an enclosed building use;
Areas within required setbacks shall not be used for display, sale or storage of merchandise, or for the storage of materials, vehicles, equipment, containers or waste material.

Section 9-3. Height Regulations.

Height to be determined by a ratio of ten feet (10') in height per fifty feet (50') setback from residential districts but not to exceed two and one-half (2½) stories in height.

Section 9-4. Area Regulations.

Building Area: The total building area, including accessory buildings, shall not exceed a floor area-to-land ratio of 0.40 to 1.

Lot Area: Minimum two (2) acres net, exclusive of all street rights-of-way and the 100 year flood plain as determined by a registered survey.

Front Yard: Minimum fifty feet (50') from front property line.

Side Yard: Minimum twenty feet (20') from side property line.

Rear Yard: Minimum thirty feet (30') from rear property line.

Section 9-5 Parking:

Parking shall be provided as per Article 14 of this code.

ARTICLE 10

“LI” LIGHT INDUSTRIAL DISTRICT

Section 10-1 General Purpose and Description.

The “LI” Light Industrial District is intended for services, storage, manufacturing, warehousing and distribution.

Section 10-2. Building Regulations.

A minimum of 75% of all main building exteriors (excluding windows and doors) shall be constructed of masonry. Use of other materials shall be on an exception basis and must be submitted to the Board by way of an architectural rendering showing all four (4) elevations of the proposed building. Upon approval, the rendering shall become part of the zoning for that site.

All mechanical equipment shall be screened from public view by use of an 8 Ft. masonry wall.

Refuse collection areas shall be screened from public view by use of an 8 Ft. masonry wall. The enclosure shall be provided with solid architectural metal doors on metal frames finished to match existing development.

Parking and drives shall be concrete and developed in accordance with Town standards.

Outside storage is allowed only upon issuance of a specific use permit.

No access to a secondary street is allowed if the street primary use is for residential access.

Where a commercial zoned area or lot abuts a residentially zoned area, an 8 Ft. masonry wall is required as a visual barrier and buffer between such lots or areas.

Lighting facilities, if provided shall be so arranged as to be reflected away from residentially zoned or used property. They shall provide illumination within the parking facility not to exceed one (1.0) foot candle at ground level, and shall distribute not more than two-tenths of one (0.2) foot candle of light upon any adjacent residential building.

Business establishments are subject to the following conditions, which shall be applicable to all uses in a commercial district:

the primary business shall be conducted wholly within an enclosed building use;
areas within required setbacks shall not be used for display, sale or storage of merchandise, or for the storage of materials, vehicles, equipment, containers or waste material.

Section 10-3. Height Regulations.

Height to be determined by a ratio of ten feet (10') in height per fifty feet (50') setback from residential districts but not to exceed thirty feet (30') or two and one-half (2½) stories in height.

Section 10-4. Area Regulations.

Building Area: The total building area, including accessory buildings, shall not exceed a floor area-to-land ratio of 0.40 to 1.

Lot Area: Minimum two (2) acres net, exclusive of all street rights-of-way and the 100 year flood plain as determined by a registered survey.

Front Yard: Minimum fifty feet (50') from front property line.

Side Yard: Minimum twenty feet (20') from side property line.

Rear Yard: Minimum thirty feet (30') from rear property line.

Section 10-5 Parking:

Parking shall be provided as per Article 14 of this code.

ARTICLE 11

“PU” PUBLIC USE DISTRICT

Section 11-1. General Purpose and Description.

The “PU” Public Use District is intended for any governmental or school building.

Section 11-2 Building Regulations.

A minimum of 75% of all main building exteriors (excluding windows and doors) shall be constructed of masonry. Use of other materials shall be on an exception basis and must be submitted to the Board of Adjustments by way of an architectural rendering showing all four (4) elevations of the proposed building. Upon approval, the rendering shall become part of the zoning for that site.

All mechanical equipment shall be screened by use of an 8 Ft. masonry wall.

Refuse collection areas shall be screened from by use of an 8 Ft. masonry wall. The enclosure shall be provided with solid architectural metal doors on metal frames finished to match existing development.

Parking and drives shall be concrete and developed in accordance with Article 14 of this document.

Outside storage is allowed only upon issuance of a specific use permit.

No access to a secondary street is allowed if the street primary use is for residential access.

Where a commercial zoned area or lot abuts a residentially zoned area, an 8 Ft. masonry wall is required as a visual barrier and buffer between such lots or areas.

Lighting facilities, if provided shall be so arranged as to be reflected away from residentially zoned or used property. They shall provide illumination within the parking facility not to exceed one (1.0) foot candle at ground level, and shall distribute not more than two-tenths of one (0.2) foot candle of light upon any adjacent residential building.

Public Use establishments are subject to the following conditions, which shall be applicable to all uses in a commercial district:

areas within required setbacks shall not be used for display, sale or storage of merchandise, or for the storage of materials, vehicles, equipment, containers or waste material.

Section 11-3. Height Regulations.

Height to be determined by a ratio of ten feet (10') in height per fifty feet (50') setback from residential districts but not to exceed thirty feet (30') or two and one-half (2½) stories in height.

Section 11-4. Area Regulations.

Building Area: The total building area, including accessory buildings, shall not exceed a floor area-to-land ratio of 0.40 to 1.

Lot Area: Minimum two (2) acres net, exclusive of all street rights-of-way and the 100 year flood plain as determined by a registered survey.

Front Yard: Minimum fifty feet (50') from front property line.

Side Yard: Minimum twenty feet (20') from side property line.

Rear Yard: Minimum thirty feet (30') from rear property line.

Section 11-5 Parking:

Parking shall be provided as per Article 14 of this code.

ARTICLE 12

SPECIFIC USE PERMITS

Section 12-1. Public Hearings Concerning Request for Permit.

Any individual, partnership, corporation, or group of persons having a proprietary interest in any property, upon proof of such, may petition the Commission for a Specific Use Permit permitted by Table 1 for the tract of land that the petitioners have the proprietary interest.

Prior to making its report to the Council, the Commission shall hold at least one public hearing thereon. Before the tenth day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification or zoning district boundaries shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. Notice of hearings on proposed changes in zoning regulations shall be accomplished by one publication not less than fifteen (15) days prior to the public hearing in the official paper of the Town of Saint Paul.

Following the public hearing, the Commission shall make a recommendation to the Town Council at the properly noticed public hearing where the Council shall consider the granting or denial of the Specific Use Permit.

If the Council grants the Specific Use Permit, an ordinance amending the Zoning Ordinance shall be prepared for action by the Council at its next regular meeting.

Section 12-2. Specific Use Permit Considered as Amendment.

Each Specific Use Permit granted under the provisions of this Article shall be considered as an amendment to the comprehensive zoning regulations as applicable to such property. In granting any specific use permit, the Town Council may impose conditions as necessary and which shall be complied with by the grantee before any building permit or occupancy permit may be issued. Specific Use Permits may be granted for any period of time.

An un-expired Specific Use Permit may be transferred from one individual, corporation, partnership, or group of persons to another entity at the same location. No Specific Use Permit shall be transferred from one tract, parcel, or lot in the Town of St. Paul to another tract, parcel, or lot.

A request for renewal of a Specific Use Permit must be filed with the Town Secretary at least ninety (90) days prior to its termination or the Specific Use Permit may be terminated on the final date of time period granted.

Section 12-3. Recommendations Considered as Advisory in Nature.

All recommendations made by the Commission to the Town Council shall be considered advisory in nature and shall not be binding upon the governing body; the Town Council shall have the sole and final authority to grant or deny any request for Specific Use Permits.

Section 12-4. Zoning Map to Show Place of Specific Use.

When the Town Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the specific use by an "S" designation.

Table 1 Use Regulations

Type of Land Use	R1.5	CR	OF	LI	PU	MHD
Accessory Buildings	5	5	5	5	5	5
Alcoholic Beverage Sales (Package Store) (if permitted by local option election)		6				
Antique Shop (inside Only)		*				
Auto Parts and Accessories, New Retail		*				
Bakery or Confection Shop		*	*			
Banks or Savings and Loans		*	*			
Barber or Beauty Shop		*	*			
Boat Storage				*		
Book, Camera or Card Shop		*	*			
Cabinetry or woodworking shops				*		
Car Care Center (Car Wash, detailing or repair shop)				*		
Cemetery or Mausoleum				1		
Church	1	1	1	1	1	1
Cleaning and Laundry Pick-up Station		*				
Clinic, Medical, Dental, Physical Therapy, or Laboratory		*	*	*		
Clothing and Apparel Store		*				
Commercial Radio, TV or Microwave Tower				1		
Commercial Landscaping Operations				*		
Commercial School: Trade or Craft			1	1		
Customary Home Occupation	*					
Day Nursery, Day Camp or Child Care Center		1	1	1		
Drapery, Needlework or Weaving Shop				*		
Drug Store		*	*			
Electrical Transmission Lines and Substation				1		
Farms, Nurseries or Truck Gardens	2					
Florist shop		*	*			
Food Store		*				
Furniture and Appliance, Retail		*				
Garden shop and plant sales				*		
Gasoline Service Station		*				
Golf Course				1	1	
Handicraft or Hobby Shop		*				
Fitness Center		*	*	*		

Table 1 Use Regulations

Type of Land Use	R1.5	CR	OF	LI	PU	MHD
Hospital or Medical Facility				1		
HUD- Code Manufactured Home		*				*
Key Shop		*				
Laundry or Dry Cleaning, Self Service				*		
Copy Center		*	*			
Lodge or Fraternal Organization			1	1		
Nursing Home or Residence Home for Aged				1		
Optical Shop Retail		*	*			
Paint, Wallpaper and Hardware, Retail		*				
Photography Studio		*	*			
Public Buildings including Fire Stations and Library	1	1	1	1	*	1
Real estate Sales Office	3	*	*	*		
Recreational Vehicle (RV) Storage				*		
Restaurant		*	1			
School, public or private , including Colleges and Universities	1		1	1	*	
Sewage pumping or Lift Station				1		
Shoe Repair		*				
Single Family Dwelling	*					
Studio, art, music, drama, speech		*	*			
Telephone Exchange, Switching and Transmitting Equipment				1		
Telephone or Utility Business Office		*	*			
Temporary Buildings	4	4	4	4	4	4
Tool Rental				*		
Veterinarian office (including animal boarding)			1	*		
Warehouse (See Article 10)				*		
Water Reservoirs, Pumping Plants and Commercial Wells	1	1	1	1	1	1
Water towers				1		

Notes Pertaining to the Land Use Table

- A. “*” = permitted use
- B. “Blank” or not listed = not permitted
- C. “#” = Reference footnote as follows:
 - 1. Must have Specific Use Permit
 - 2. Limited to the cultivating of plants, providing no retail/wholesale business is conducted on the premises and provided further that no shelter for poultry or livestock other than normal household pets shall be located within (20’) twenty feet of any property line. Unimproved pasture may be used to raise livestock provided such land is given an agricultural exemption as determined by Collin County Appraisal District and meets the ‘animals/acre’ limitations of Section 15-10.
 - 3. During development of residential or commercial properties.
 - 4. For uses incidental to the construction work on the premises in which buildings shall be removed upon completion or abandonment of construction work , but shall not exceed one (1) year.
 - 5. Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein:

The term "accessory use" shall include customary home occupations as herein defined.

Guest house/guest quarters, a detached private garage with or without storeroom and/or utility room or an animal shelter or barn shall be permitted as an accessory building provided that such accessory building shall be located not less than sixty feet (60’) from the front lot line nor less than twenty feet (20’) from any side or rear lot line and, in the case of corner lots, not less than the distance required for residences from side streets. A garage or guest quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - 6. Allowed only in areas zoned “CR” in compliance with this Ordinance and meeting the requirements of State Law for such sales.

ARTICLE 13

PLAN APPROVAL NON-R 1.5 DEVELOPMENT

Section 13-1. Submission of Plans.

Developer must submit to the commission, three (3) copies of site plan, landscaping plan and architectural plan for preliminary approval.

After approval by the Commission of the site plan and landscaping plan (and in the case of properties in all districts except R.1.5, an architectural plan), the developer shall, within twelve (12) months thereafter, submit to the Town three (3) copies and one (1) original copy of the site plan and the landscaping plan. The commission may request additional copies. At the same time, three (3) copies of the construction plans for the development shall be submitted to the Town and three (3) copies of the construction plans to the Town Engineer.

In the event that the developer does not submit plans within the twelve (12) months, the plans approved by the Commission shall be considered as being void and must be resubmitted to Commission along with payment of all appropriate fees.

After acceptance of the plans by the Town Council, one (1) set each of the site plan, the landscaping plan, and the construction plans shall be returned to the developer signed by the Town Engineer and the Mayor for the Town Council that the plans are approved for construction.

All plans shall be in accordance with those recommendations of the Commission including all conditions of approval. It shall be unlawful to issue a building permit prior to final approval of the site plan and landscaping plan by the Town Council. As to propose development located in a non R 1.5 district, **it shall further be unlawful to issue a building permit prior to approval of final construction plans by the Town Council.**

ARTICLE 14

OFF-STREET PARKING AND LOADING REGULATIONS

Section 14-1. Parking Requirements Based on Use.

In all districts at the time any building or structure is erected or structurally altered, off-street parking spaces shall be provided in accordance with the following requirements:

“OF” Office District: Three (3) parking spaces plus one (1) additional parking space for each three hundred square feet (300 sq. ft.) of floor area over five hundred feet (500'). Where occupancy load densities exceed one (1) person per 250 square feet of office area, one (1) parking space shall be provided for each employee. For high density office uses with multiple overlapping shifts one (1) parking space shall be provided for each employee at the premises during shift change.

Church or other place of worship: One (1) parking space for each three (3) seats in the main auditorium.

R 1.5 District: Two (2) parking spaces for each dwelling unit. No required parking space shall be located in the required front yard.

Private club, lodge, country club, or golf club: One (1) parking space for each one hundred fifty square feet (150 ft.²) of floor area. Or one (1) parking space for each 3 persons normally accommodated by the establishment, which ever is greater.

Retail Store: Unless specified elsewhere:

<u>Gross Floor Area</u>	<u>Parking Requirements</u>
Under 9,999 sq.ft.	10 spaces per 1,000 sq. ft.
Over 10,000 sq.ft.	5.5 spaces per 1,000 sq. ft. over 10,000 sq. ft

School, elementary and intermediate: One (1) parking space for each five (5) seats in the auditorium or main assembly room, or one (1) space for each classroom plus six (6) spaces, whichever is greater.

School, secondary, and college: One (1) parking space for each four (4) seats in the main auditorium or eight (8) spaces for each classroom, whichever is greater.

Whenever a building or use constructed or established after the effective date of the Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement of change. Whenever a building or use existing prior to the effective date of this Code is enlarged in floor area or in the area used, said building or sue shall then and thereafter comply with the parking requirements set forth herein.

All parking, loading and maneuvering of trucks shall be conducted off-street on private property.

Required passenger vehicle parking shall not be allowed within the truck dock apron space.

Section 14-2. Rules for Computing Number of Parking Spaces.

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

"Floor area" shall mean the gross floor area of the specific use.

Where fractional spaces result, the parking spaces required shall be constructed to the nearest whole number.

The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

Section 14-3. Minimum Distance for Off-Street Parking.

Ninety Degree (90°) Angle Parking: Each parking space shall be not less than nine feet (9') wide nor less than eighteen feet (18') in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four feet (24') perpendicular to the building or parking line.

Sixty Degree (60°) Angle Parking: Each parking space shall be not less than nine feet (9') wide perpendicular to the parking angle nor less than eighteen feet (18') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty feet (20') perpendicular to the building or parking line.

Forty-Five Degree (45°) Angle Parking: Each parking space shall be not less than nine feet (9') wide perpendicular to the parking angle nor less than eighteen feet (18') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than eighteen feet (18') perpendicular to the building or parking line.

Section 14-4. Off-Street Loading Space.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

For retail, commercial, sales, service, or industrial use buildings and establishments, off-street

loading facilities shall be provided in accordance with the following schedule:

<u>Gross Floor Area</u>	<u>Min. Required Spaces or Berths</u>
Under 5,000 ft. ²	None
5,000 to 15,000 ft. ²	1
15,000 to 40,000 ft. ²	2
40,000 to 65,000 ft. ²	3
65,000 to 100,000 ft. ²	4
Each Additional 50,000 ft. ²	1 additional

For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<u>Gross Floor Area</u>	<u>Min. Required Spaces or Berths</u>
Under 10,000 ft. ²	None
10,000 to 50,000 ft. ²	1
50,000 to 100,000 ft. ²	2
100,000 to 200,000 ft. ²	3
Each Additional 200,000 ft. ²	1 additional

Each required loading space shall have a minimum size of twelve feet wide by sixty feet in length (12' x 60') and twelve feet wide by thirty-five feet in length (12' x 35') for "C" uses with a vertical clearance of at least fourteen feet (14'), together with access and maneuvering areas.

No loading facilities may be located facing any street.

Loading facilities located on the side of a building but not facing a street shall be set back from the front property line a minimum distance of sixty feet (60').

ARTICLE 15
PERFORMANCE STANDARDS

Section 15-1. Conformance With Standards.

All uses in all districts shall conform in operation, location, and construction to the performance standards hereinafter specified.

Section 15-2. Noise.

At no point at the bounding property line of any use in the District shall the sound pressure level of any daytime operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

Octave Band Frequencies:

<u>Octave Band Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level, Decibels</u>
20 - 75	97
75 - 150	76
150 - 300	70
300 - 600	65
600 - 1,200	63
1,200 - 2,400	58
2,400 - 4,800	55
4,800 - 10,000	53

Corrections:

The following corrections shall be made to the Table of Octave Band - Decibel limits in determining compliance with the noise level standards:

<u>Type or Character of Noise</u>	<u>Correction in Decibels</u>
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
Noise present at night	Minus 7

* *Apply one correction only*

"Daytime" shall refer to the hours between 7:00 a.m. and 7:00 p.m. on any given day.

"Bounding property line" 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.

"Measurement of noise" shall be made with a sound level meter or octave band analyzer meeting the standards prescribed by the American Standards Association.

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

Noises not directly under control of the property uses.

Noises emanating from construction and maintenance activities during daytime hours.

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

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

Section 15-3. Smoke and Particulate Matter.

No operation or use in any district shall cause, create, or allow the emission of air contaminants for more than three (3) minutes in any one (1) hour period, which at the emission point or within the bounds or the property are:

As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118, or in violation of the standards specified by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the Texas State Department of Health or as such regulations may be amended.

Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in (1) above except that: when the presence of uncombined water is the only reason for failure to comply with or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in 8-501(1) and (2) shall not apply.

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, but not limited to, 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 is located in concentrations exceeding fifty-four (54) grains per one thousand (1,000) cubic feet of air.

Section 15-4. Odorous Matter.

No use shall be located or operated in any district which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

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.) 1391-56 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.

Section 15-5. Fire and Explosive Hazard Material.

No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in any District except that chlorates, nitrates, perchlorates, phosphors, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesales may be permitted when approved by the Fire Department.

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 Town.

Section 15-6. Toxic and Noxious Matter.

No operation or use permitted 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 percent (10%) 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 Regulations No. 3, a copy of which is hereby incorporated by reference.

Section 15-7. Vibration.

No operation or use in any district shall at any time create earthborn vibration which, when measured at the bounding property line of the source of operation, exceeds the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency Cycles Per Second</u>	<u>Displacement in Inches</u>
Under 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
Over 40	.0003

Section 15-8. Glare.

No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for 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.

Section 15-9. Waste Materials.

No use or operation shall discharge into the open, onto the ground, or into any drainway, open pit, or pond any waste materials, liquids, residue, or by-products for storage, decomposition, disposal, or fill unless approved by the Building Official. Waste materials shall include all the forms of waste as found in Chapter 361 of the Texas Health and Safety Code.

Section 15-10. Animals.

In all districts, large animals (animals over two hundred 200 pounds) are limited to a maximum of three (3) per acre.

In all districts, swine are prohibited.

ARTICLE 16

HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

Section 16-1. Height.

Public or semi-public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding sixty feet (60'). Where adjacent to residentially zoned property an additional one (1) foot of side and/or rear yard setback shall be provided for each foot of height that exceeds 25 feet.

Spires and steeples on churches and other places of worship may be erected to a height not to exceed seventy-five feet (75').

Section 16-2. Front Yards.

Where twenty-five percent (25%) or more of the frontage upon the same side of the street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this Ordinance, or where the configuration of ground is such that conformity with the front yard provisions of this Ordinance would work a hardship, the Board of Adjustment may permit modifications of the front yard requirements.

In any district, no fence, structure, or planting higher than three and one-half feet (3½') above the established street grades, nor any tree with foliage extending below ten feet (10') above the established street grades shall be maintained within fifteen feet (15') from the edge of the normally traveled right-of-way.

Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four feet (4') provided, however, that no supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall not be closer to the property line than twelve feet (12'). The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy of the columns supporting same.

Where an official line has been established for future widening or opening of street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the future street.

No accessory building shall project beyond a required yard line along any street.

Section 16-3. Side Yards.

On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty feet (30').

No accessory building shall project beyond a required yard line along any street.

The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of the window sills, belt courses, cornices, or other ornamental features.

A fireplace, roof overhang, an open fire escape, or an outside stairway may project not more than three feet (3') into a required side yard.

Section 16-4. Rear Yards.

An accessory building not exceeding twenty feet (20') in height may occupy not to exceed twenty-five percent (25%) of the area of a required rear yard but no accessory building shall be closer than twenty feet (20') to the main building nor closer than twenty feet (20') to any rear or side lot line.

ARTICLE 17

NONCONFORMING LOTS AND USES

Section 17-1. Nonconforming Status.

A nonconforming status shall only exist when:

A use or structure that does not conform to the regulations prescribed in the district where the use or structure is located, which was in existence and lawfully operating when annexed into the town, and has been operating since without discontinuance.

Section 17-2. Existing Lots Less Than 1.5 Acres.

A. A lot of less than one and one-half (1.5) acres may be developed so long as the same complies with the ordinances of the Town and all regulations relating to on-site sewage disposal.

B. A residential building or accessory building located on a lot of less than one and one-half (1.5) acres may be repaired or rebuilt when partially or wholly destroyed by fire, the elements, or other cause, provided there is no expansion of the building's size.

Section 17-3. Existing Uses.

Any non conforming use shall not be expanded or increased beyond the lot or tract upon which such nonconforming use is located except to provide off-street parking or off-street loading space upon approval of the Board of Adjustments.

Section 17-4. Existing Building Uses.

The lawful use of a building existing upon the effective date of this Ordinance may be continued, only in conformance with these regulations, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the building as it is arranged or designed for such use, provided no structural alterations, expansions or extensions, except those required by law or ordinance, are made therein.

The continued use of a residential lot to conduct a home occupation shall conform to the requirements for a home occupation detailed herein.

Section 17-5. Voluntary Abandonment or Change.

A. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming use and the actual act of discontinuance. Any nonconforming use which is discontinued for or which remains vacant for a period of six months shall be considered as evidence of intent to abandon the nonconforming use. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall be in conformance to this chapter.

B. 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.

Section 17-6. Existing Residence.

A residential dwelling having less than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.

Section 17-7. Repairs and Reconstruction.

A. Repairs and normal maintenance may be made to a nonconforming building or building occupied by a nonconforming use, provided that no structural alterations, expansions or extensions shall be made except those required by law or ordinance, unless the building or use is changed to conform to this Ordinance.

B. If a building 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 fifty percent 50% of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded beyond the lot on which it is located.

ARTICLE 18

BOARD OF ADJUSTMENT

Section 18-1. Organization and Procedure.

Membership: The Board of Adjustment shall consist of the members of the governing body of the Town of Saint Paul, including the mayor and five Council members, as authorized by Section 2.11.008(g) of the Texas Local Government Code.

Meetings: Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine.

Hearings: The hearings of the Board of Adjustment shall be public. The Board shall hear all parties in interest. Each case before the Board of Adjustment must be heard by at least 75% of the members of the Board.

Rules and Regulations: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Board of Adjustment shall act to grant relief to an applicant only with the concurring vote of 75% of the members of the Board. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, and shall furnish a copy of the same to the Building Official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

Section 18-2. Appeals.

Procedure: Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the Town. Such appeal shall be made by filing with the office of the Board, within 15 days of date the decision was rendered, a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the records upon which the action appealed from was taken.

Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official shall certify to the Board of Adjustment that, by reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which 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 equity, after notices to the office from whom the appeal is taken and on due cause shown.

Notice of Hearing on Appeal: The Board of Adjustments shall fix a reasonable time for the hearing on the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred feet (200') or less of any point of the lot or portion thereof on which a variation or special exception is desired or to which an appeal refers, and to all other persons deemed by the Board of Adjustment to be affected thereby, such owners and persons being determined according to the most recently approved municipal tax roll, by depositing such written notice in the United States Mail, postage prepaid, not less than ten days prior to the date set for the hearing by the Board.

Decision by Board of Adjustments: The Board of Adjustments shall decide the appeal or request within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

Section 18-3. Powers and Duties of Board.

Subpoena Witnesses, Etc.: The Board of Adjustments shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

Appeals Based on Error: The Board of Adjustments shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance.

Special Exceptions: The Board of Adjustments shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows or elsewhere in this Ordinance:

Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with any Master Plan and present no conflict or nuisance to adjacent properties.

Permit a public utility or public service structure or building in any district with a ground area or of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

Grant a permit for the extension of a use, height, or area regulation into an adjoining district which divides a lot into a single ownership on the effective date of this Ordinance.

Permit the reconstruction of a nonconforming building or use which has been damaged by explosion, fire, or act of God to the extent of more than fifty percent (50%) of its fair market value, and where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

Determine, in cases of uncertainty, the classification of any use not specifically named in this Ordinance.

Variations: The Board of Adjustments shall have the power to authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, including the following:

Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical, architectural consideration, or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board of Adjustments is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this Ordinance and, at the same time, the surrounding property will be properly protected.

Changes: The Board of Adjustments shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board of Adjustments may not change the district designation of any land either to a more restrictive or less restrictive zone.

ARTICLE 19

Sexually Oriented Business

Section 19-1 Purpose

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

The Town of St. Paul shall not allow any of the following business or activities define in the following section.

Section 19-2 Definitions:

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.

Adult bookstore means a commercial establishment which as one (1) of its principal business purposes offers for sale or rental for any form of consideration any one (1) or more of the following:

- (1) Books, magazines, periodicals or other printed matter 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; or
- (3) Software programs which depict or describe "specified sexual activities" or specified anatomical areas.

Adult video store means a commercial establishment which as one (1) of its principal business purposes offers for sale or rental for any form of consideration any one (1) or more of the following:

- (1) Photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas, and are either unrated or rated "X" by the Motion Picture Association of America.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of 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.

Adult motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; 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 has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

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.

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 areas or by specified sexual activities.

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 perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes, for a fee, tip, or other consideration.

Nude model studio means any place where a person who appears in a state of 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.

Nudity or a state of nudity means:

- (1) The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast, or
- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Semi-nude means a state of dress in which clothing covers only the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center means a business or commercial enterprise that, as one (1) 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 (1) or more of the persons is in a state of nudity or semi-nude, including "tub clubs" or "exotic tan centers."

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, sexual encounter center, or sexually oriented dance hall.

Sexually oriented dance hall means any place:

- (1) Where dancing is permitted one (1) day a week or more by a person in a state of nudity, semi-nudity or simulated nudity; or
- (2) That is advertised either on or off the premises:
As topless;
As a gentleman's club, bar, or saloon;
As adult entertainment;
As x-rated; or
By any other term calculated to attract patrons with nudity, semi-nudity or simulated nudity.

Simulated nudity means a state of dress in which any device or covering, exposed to view, is worn that simulates any part of the genitals, buttocks, pubic region, or areola of the female breast.

Specified anatomical areas means human genitals in a state of sexual arousal.

Specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbation, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.