

## **ORDINANCE NO. 2201**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY CREATING NEW, AND AMENDING EXISTING, DEVELOPMENT REGULATIONS FOR THE HILL RESIDENTIAL DISTRICT (HR-1) BY AMENDING CHAPTER 2, SECTIONS 2-51, 2-70, 2-71, 2-72, 2-176, AND 2-192; BY ADDING NEW SECTIONS 2-154 TO 2-159; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, by Resolution No. 18-30, the City Council authorized a project based on community feedback to engage with The Hill neighborhood to determine whether additional development regulations should be established to preserve the character of the neighborhood, and established The Hill Neighborhood Steering Committee (“Committee”) to develop the vision for redevelopment of the neighborhood and to make recommendations to the City Council; and

WHEREAS, the Committee completed their initial charge in creating a vision and recommendations for the future character of The Hill, and determined that The Hill community is in favor of additional development regulations to protect the current character of The Hill; and

WHEREAS, by Resolution No. 19-37, the City Council reinstated the Committee to help provide guidance in drafting development regulations that will protect the character of The Hill; and

WHEREAS, the Committee has provided guidance for an initial round of new, and amendments to existing, development regulations for The Hill, which have been drafted; and

WHEREAS, the Planning and Zoning Commission held a public hearing on these revisions on May 28, 2020, for which notice was given as required by law; and

WHEREAS, after the public hearing, the Planning and Zoning Commission reviewed and unanimously recommended approval to City Council for the adoption of these revisions; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, the City Council held a public hearing on these revisions, for which notice was given as required by law; NOW THEREFORE:

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That Article II, Part 1 is revised by amending Table 2-51.1: Standard Zoning Districts and Table 2-51.2: Special Zoning Districts, found in section 2-51, to read as shown in the attached **Exhibit A**.

**Section 2.** That Article II, Part 2 of Chapter 2 (Zoning Regulations) is revised by amending section 2-70 by deleting subparagraph “D” and renumbering existing subparagraphs “E” as “D”,

“F” as “E”, “G” as “F”, and “H” as “G”.

**Section 3.** That Article II, Part 2 of Chapter 2 (Zoning Regulations) is revised by amending Table 2-71.1: Permitted Uses and Parking Schedule for Residential Districts found in section 2-71 to remove HR-1 and read as shown in the attached **Exhibit B**.

**Section 4.** That Article II, Part 2 of Chapter 2 (Zoning Regulations) is revised by amending Table 2-72.1: Bulk Regulations for Residential Districts, Figure 2-72.A: Residential Yard (Setback) Diagram, Figure 2-72.B: Residential Yard (Setback) Diagram – Side Yard Setback at Reserve, and Figure 2-72.C: Zero-Lot-Line Configurations (Allowed and Prohibited) found in section 2-72 to remove HR-1 and read as shown in the attached **Exhibit C**.

**Section 5.** That Article II, Part 2 of Chapter 2 (Zoning Regulations) is revised by adding new Part 7 (The Hill Area Residential District (HR-1)), sections 2-154 – 2-159, to read as shown in the attached **Exhibit D**.

**Section 6.** That Article III Part 2 of Chapter 2 (Zoning Regulations) is revised by amending Table 2-176.1: Allowed Yard Obstructions found in section 2-176 to read as shown in the attached **Exhibit E**.

**Section 7.** That Article IV of Chapter 2 (Zoning Regulations) is revised by amending section 2-192 by deleting subsection F.2.d. and renumbering existing subsections “e” as “d”, “f” as “e”, “and g” as “f”.

**Section 8.** That Article IV of Chapter 2 (Zoning Regulations) is revised by amending section 2-192, subsection F.5, to read as follows:

5. The provisions of this Section 2-192 do not apply to The Hill Residential Zoning District (HR-1).

**Section 9.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 10.** That the provisions of this ordinance are severable and the invalidity of any part of this ordinance does not affect the validity of the remainder of the ordinance.

**Section 11.** That this ordinance is effective on second reading.

APPROVED on first consideration on \_\_\_\_\_, 2020.

ADOPTED on second consideration on \_\_\_\_\_, 2020.

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Joe R. Zimmerman, Mayor

ATTEST:

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Thomas Harris, III, City Secretary

APPROVED AS TO FORM:

*DAnn Shea Smith*

Attachments:

- Exhibit A – Section 2-51 Establishment of Districts
- Exhibit B - Section 2-71 Residential Districts Permitted Uses and Parking Schedule
- Exhibit C – Section 2-72 Residential District Regulations
- Exhibit D - Part 7 (The Hill Area Residential District (HR-1)), sections 2-154 – 2-159
- Exhibit E – Section 2-176 Allowed Yard Obstructions

## **EXHIBIT A**

Sec. 2-51. - Establishment of Districts.

- A. *Standard Districts.* Land within the corporate City limits is divided into the following standard zoning districts:

<i>Table 2-51.1: Standard Zoning Districts</i>	
<b>Abbreviated Designation</b>	<b>District Name</b>
R-1E	Residential Estate
R-1	Standard Single-Family Residential
R-1R	Restricted Single-Family Residential
R-1Z	Zero Lot Line Single-Family Residential
R-2	Two-Family Residential
R-3	Townhouse Residential
R-4	Multi-Family Residential
B-O	Business Office
B-1	Neighborhood Business
B-2	General Business
M-1	Restricted Industrial
M-2	General Industrial

- B. *Special Districts.* Land within the corporate City limits is divided into the following special zoning districts:

*Table 2-51.2: Special Zoning Districts*

Abbreviated Designation	District Name
BR	Brazos River Park and Conservation Zoning District
PD <sup>a</sup>	Planned Development
AZ <sup>b</sup>	Airport Zone
MUC	Mixed Use Conservation District
HR-1	The Hill Area Residential District

**REFERENCES**

- a. This district may be created for land through the procedures specified in the zoning regulations.
- b. The land in this district is subject to the compatible land use regulations adopted by the Sugar Land Airport Zoning Commission and City Council.

## **EXHIBIT B**

Sec. 2-71. - Residential Districts Permitted Uses and Parking Schedule.

The Residential Districts Permitted Uses and Parking Schedule is shown on the following pages:

Table 2-71.1: Permitted Uses and Parking Schedule for Residential Zoning Districts										
<p>See Section 2-55. for the Key to Permitted Uses and Parking Schedule Tables.  P = Permitted Use      C = Conditional Use      An = Ancillary Use      Blank Box = Prohibited Use  P(N) or C(N) = Permitted Use or Conditional Use with Supplemental Regulations - See Notes  * = Residential Proximity Conditional Use, See Section 2-55 G</p>										
Land Use	R-1E	R-1	R-1R	R-1Z	R-2	R-3	R-4	Definition	Parking	Notes
<b>Residential</b>										
Agricultural, Ranching	P (N)	C (N)						An area that is used for the raising thereon of the poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, and housing animals raised on the premises, but not including the commercial feeding or slaughter of animals. See Code of Ordinances for additional regulation of livestock.	No Additional Parking Required; 2: Dwelling Unit if Single-Family Home on Premises	1
Child Care Home (≤6 Children)	P	P	P	P	P	P	P	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24)	2: Dwelling Unit	

								hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.		
Child Care Home (≥7 Children)	C	C	C	C	C	C	C	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.	2: Dwelling Unit	
Clergy House, Monastery, or Convent	C	C	C	C	C	C	C	A dwelling where four (4) or more unrelated employees of a Place of Worship, such as religious leaders or those studying worship, live; which is located on a separate platted lot than the associated Place of Worship; and that is tax exempt as defined by State law.	1: Resident (Minimum of 4 Spaces Required)	
Community Home	P	P	P	P	P	P	P	A dwelling for not more than six (6) persons with disabilities and two (2) supervisors and is licensed under and complies with Chapter	2: Dwelling Unit	

							123 of the Texas Human Resources Code.		
Dwelling, Accessory	P (N)	P (N)	P (N)				A dwelling unit, that is attached or detached from the primary on-site structure, is used as a residence, is incidental to the main structure, and is not involved in the conduct of a business.	No Additional Parking Required	2
Dwelling, Multi-Family						P (N)	A building on one (1) platted lot that contains three (3) or more Dwelling Units, and commonly referred to as a triplex, four-plex, or apartment building.	1: 5 Dwelling Units PLUS 1.5: One Bedroom Unit and 2: Two or More Bedroom Units	3
Dwelling, Single-Family Attached (Townhome)					P (N)	P (N)	A building that contains Dwelling Units located on separately platted lots that are joined to other Dwelling Units on one (1) or both sides by a common wall that is located along the side lot line and separates the individual Dwelling Units, commonly referred to as a townhouse.	1: 5 Dwelling Units PLUS 1.5: One Bedroom Unit and 2: Two or More Bedroom Units	3
Dwelling, Single-Family Detached	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	A building that contains only one (1) Dwelling Unit and has open space on all sides of the building.	2: Dwelling Unit	3



Dwelling, Two-Family (Duplex)					P (N)			A building on one (1) platted lot that contains only two (2) Dwelling Units and has open space on all sides of the building, commonly referred to as a duplex.	2: Dwelling Unit	3
HUD - Code Manufactured Home					C (N)			A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in 1 or more sections; in the traveling mode, at least 8 body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and is not a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).	2: Dwelling Unit	3
Residential Sales Offices (Temporary)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	A temporary office used by a homebuilder to facilitate the sales of new homes within a subdivision where there are available for	Minimum of 4 Spaces	4

									purchase new homes already built or to be built on lots located therein.		
<b>Institutional</b>											
Library	C	C	C	C	C	C	C		A building for the viewing and check out of books, videos and other literature.	1: 300 sq.ft.	
Parks and Recreational Facilities	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)		An area developed for active play and recreation that may include, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The area may be owned by a public entity and used to provide recreational activities to the general public; or the area may be owned by a private, nonprofit, or homeowner's association and used to provide recreational activities to the members of the association.	1: 100 sq.ft. of Indoor Facilities Plus 1: 4 Persons Design Capacity of Outdoor Facilities (Including Both Participants and Spectators as Applicable)	5
School, Private, Elementary, Middle, and High Schools	C	C	C	C	C	C	C		A school under the sponsorship of a private or religious organization, which provides elementary, middle, and/or secondary school curricula.	<b>Elementary and Middle Schools:</b> 1:20 Students <b>High Schools:</b> 1:4 Students	

School, Public, Elementary, Middle, and High Schools	P	P	P	P	P	P	P	A school organized by a governmental entity or granted a charter under Chapter 12 of the Texas Education Code, which provides elementary, middle, and/or secondary school curricula.	Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students	
<b>Services</b>										
Child Care Facility, Daycare	C	C	C	C	C	C	C	An establishment, other than a public or private school, providing care training, education, custody, treatment or supervision for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A state license is required.	1:300 sq.ft.	
Golf Course or Country Club	C	C	C	C	C	C	C	A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition also includes associated clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or associated service uses.	1:150 sq.ft. of Indoor Facilities PLUS 4: Hole	
Helipad (Accessory)	C							An accessory use where helicopters can land and take off but excluding refueling, maintenance,	No Additional Parking Required	

								repairs, and storage of helicopters. Only permitted as an accessory use to a Single-Family Detached Dwelling on a minimum 5-acre lot.		
HOA Clubhouse/Meeting Facility/Pool	P	P	P	P	P	P	P	A building and/or pool owned and operated by a homeowners association that is available for usage by homeowners, typically requiring rental fee and reservation, for meetings, parties, or other private events.	1:300 sq.ft. (Minimum 5 spaces required)	
Independent Senior Living (55+)						C (N)	C (N)	An establishment providing dwelling units specifically designed for the needs of people 55 and over. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.	2: Dwelling Unit	6
Place of Worship	C	C	C	C	C	C	C	A building or group of buildings used for regular assembly for religious public worship and study that is used primarily for and designed for such purpose such as a church, synagogue,	<b>With Fixed Seating:</b> 1:3 Seats in the Main Assembly Area OR <b>Without Fixed Seating:</b> 1:75	7

[illegible]

### **3. Home Occupations**

*Moved from Section 2-194. - Home Occupations*

A Home Occupation is only permitted as an Accessory Use in a residential Dwelling Unit if it meets the following conditions:

- a. It is conducted wholly within the Principal Building;
- b. It is not conducted within a Private Garage, whether attached or Detached;
- c. It does not depend on the employment of a person who does not reside in the residence;
- d. A separate entrance is not provided for the conduct of the occupation;
- e. An alteration is not made in the Dwelling Unit that changes its character as a Dwelling Unit;
- f. It does not use outdoor storage;
- g. It does not involve more than 300 square feet of the area of the Dwelling Unit;
- h. A Sign Advertising the Home Occupation is not located on the Premises;
- i. It does not require the delivery or shipment of merchandise, goods, or equipment by other than passenger motor vehicles,  $\frac{3}{4}$  ton step-up van or similar sized trucks;
- j. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the Premises; and
- k. It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

### **4. Residential Sales/Construction Office (Temporary)**

*Moved from Section 2-55. - Accessory and Temporary Uses.*

Temporary Construction Office. Temporary offices for construction or sales may be used on the site of a construction project as a temporary use but must be removed upon completion of the project. A temporary construction office must cease upon the issuance of a Certificate of Occupancy for the last Dwelling Unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last Dwelling Unit for that phase.

### **5. Parks and Recreational Facilities**

A reduced parking requirement may be approved by the Director of Planning, or designee, when recreational facilities are included as part of a Home Owners Association facility, and a parking analysis is submitted demonstrating a lesser parking requirement is appropriate.

### **6. Independent Senior Living**

Independent Senior Living uses must comply with the following requirements:

- a. Provide a common dining area that is at least 3,000 sq.ft.;
- b. Provide housekeeping and transportation services to residents;
- c. Provide physical fitness and/or wellness facilities on-site;
- d. Units must be accessible through temperature controlled interior corridors; and
- e. At least one person aged 55 or over shall reside in each unit.

### **7. Place of Worship**

All uses and buildings associated with and on the same campus as the Place of Worship, including assembly/gathering facilities, shall be included in the Conditional Use Permit.

## **EXHIBIT C**

Sec. 2-72. - Residential District Regulations.

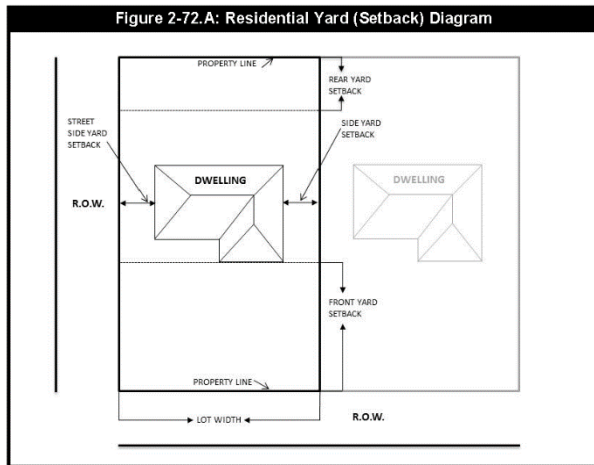
The following bulk regulations apply (see Figure 2-72.A):

*Table 2-72.1: Bulk Regulations for Residential Zoning Districts*

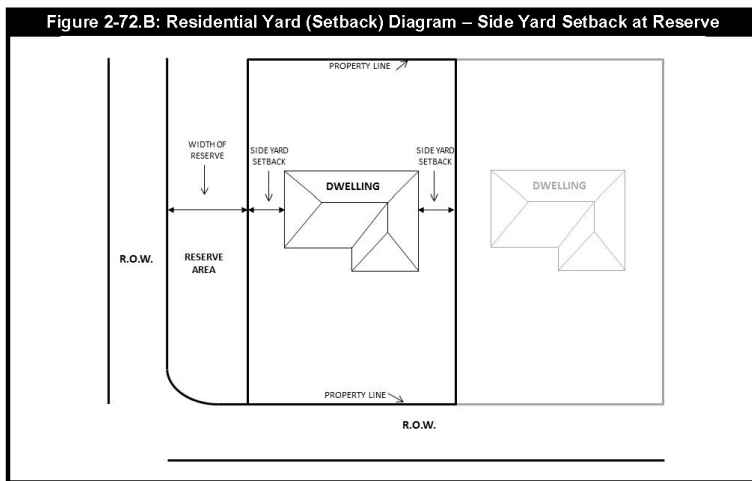
REGULATION		ZONING DISTRICT							
		R-1E	R-1R	R-1		R-1Z	R-2	R-3	R-4
Minimum Lot Area		1.5 acres	9,500 sq. ft.	6,600 sq. ft.		5,000 sq. ft.	9,500 sq. ft.	3,500 sq. ft.	2,178 sq. ft. per dwelling unit
Minimum Lot Width		125 ft.	75 ft. (a)	60 ft. (a)		50 ft. (a)	80 ft.	None	None
Minimum Lot Depth		None	125 ft.	110 ft.		100 ft.	115 ft.	None	None
Minimum Front Yard (Setback)		50 ft.	30 ft. (b)	25 ft. (b)		20 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard	Residential Use (See Figures 2-72.A & 2-72.B)	(c)	5 ft.	(d)		(e)	(d)	(f)(g)	15 ft.
	Nonresidential Use	30 ft.	25 ft.	25 ft.		25 ft.	25 ft.		20 ft.
Minimum Street Side Yard (Setback)		30 ft.	20 ft.	20 ft.		20 ft.	15 ft.	15 ft.	15 ft.
Minimum Rear Yard (Setback)		50 ft.	30 ft.	15 ft. (h)		10 ft. (h)	25 ft.	20 ft.	20 ft.
Maximum Lot Coverage		40%	40%	40%		50%	40%	40%	50%
Maximum Height of Principal Structures		(i)	(i)	(i)		(i)	(i)	(i)	(i)
Maximum F.A.R.		0.71	0.71	0.71		0.71	None	None	None



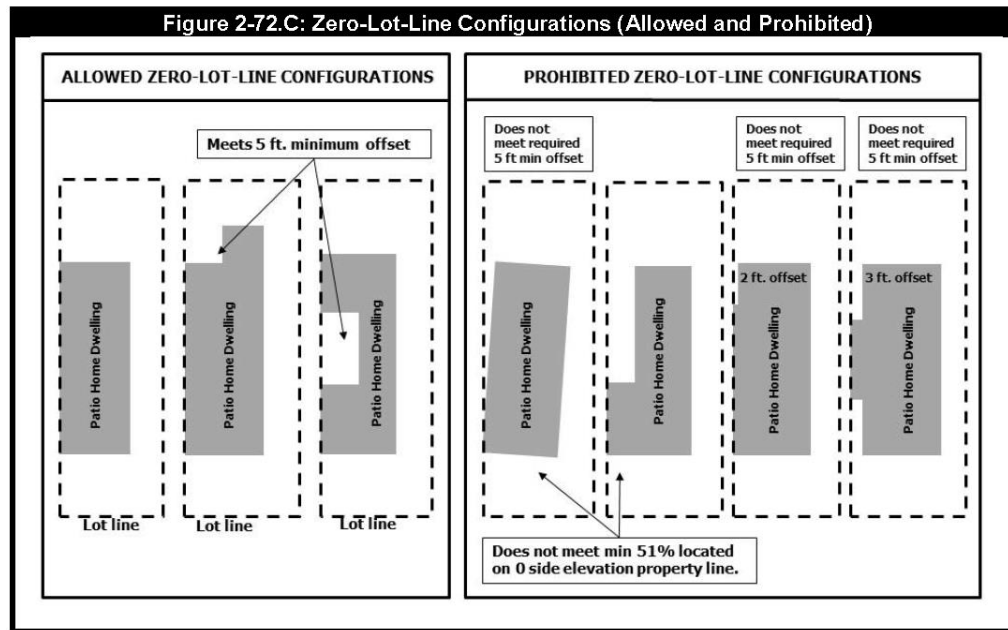




**Figure 2-72.A**



**Figure 2-72.B**



**Figure 2-72.C**

Secs. 2-73—2-89. - Reserved.

## **EXHIBIT D**

### PART 7. – THE HILL AREA RESIDENTIAL DISTRICT (HR-1) Sec. 2-154. - Purpose and Intent.

The Hill Area Residential District provides for the development of low-density Single-Family, Detached Dwellings in character with the existing older structures. It is intended to maintain the visual character of the company town neighborhood which is considered significant to the history and origin of the City and to:

- A. Promote development or redevelopment that is substantially consistent and compatible with the character and physical appearance of the existing neighborhood; and
- B. Prevent encroachment of incompatible, new development that would disturb the heritage and local historical significance of the District.

#### Sec. 2-155. – Definitions

The following words, terms, and phrases, when used in this Part, shall have the following meanings. For any word, phrase, or term not defined in this Section, the definitions in Chapter 10 Definitions shall apply. If any definition in this chapter is in conflict with Chapter 10 Definitions, then the definitions in this Part shall prevail:

*Garage, Attached Private* means a Private Garage that shares a common wall with or is located less than 5 feet from the Principal Building.

*Garage, Detached Private* means a Private Garage that is located at least 5 feet from the Principal Building.

*Porch* means a roofed area attached to, or part of, and with direct access to, or from, a structure and usually located on the front or side of the structure; a covered entrance or semi-enclosed space projecting from the facade of a Principal Building.

#### Sec. 2-156. – Reserved

#### Sec. 2-157. – Permitted Uses and Parking Schedule.

**Table 2-157.1: Permitted Uses and Parking Schedule**

See Section 2-55. for the Key to Permitted Uses and Parking Schedule Tables.

P = Permitted Use      C = Conditional Use      An = Ancillary Use      Blank Box = Prohibited Use

P(N) or C(N) = Permitted Use or Conditional Use with Supplemental Regulations - See Notes

\* = Residential Proximity Conditional Use, See Section 2-55 G

Land Use	HR-1	Definition	Parking	Notes
<b>Residential</b>				
Child Care Home (≤6 Children)	P	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.	2: Dwelling Unit	
Child Care Home (≥7 Children)	C	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.	2: Dwelling Unit	
Clergy House, Monastery, or Convent	C	A dwelling where four (4) or more unrelated employees of a Place of Worship, such as religious leaders or those studying worship, live; which is located on a separate platted lot than the associated Place of Worship; and that is tax exempt as defined by State law.	1: Resident (Minimum of 4 Spaces Required)	
Community Home	P	A dwelling for not more than six (6) persons with disabilities and two (2) supervisors and is licensed under and complies with Chapter 123 of the Texas Human Resources Code.	2: Dwelling Unit	

Dwelling, Accessory	P (N)	A dwelling unit, that is attached or detached from the primary on-site structure, is used as a residence, is incidental to the main structure, and is not involved in the conduct of a business.	No Additional Parking Required	1
Dwelling, Single-Family Detached	P (N)	A building that contains only one (1) Dwelling Unit and has open space on all sides of the building.	2: Dwelling Unit	2
<b>Institutional</b>				
Library	C	A building for the viewing and check out of books, videos and other literature.	1: 300 sq.ft.	
Parks and Recreational Facilities	P (N)	An area developed for active play and recreation that may include, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The area may be owned by a public entity and used to provide recreational activities to the general public; or the area may be owned by a private, nonprofit, or homeowner's association and used to provide recreational activities to the members of the association.	1: 100 sq.ft. of Indoor Facilities Plus 1: 4 Persons Design Capacity of Outdoor Facilities (Including Both Participants and Spectators as Applicable)	
School, Private, Elementary, Middle, and High Schools	C	A school under the sponsorship of a private or religious organization, which provides elementary, middle, and/or secondary school curricula.	<b>Elementary and Middle Schools:</b> 1:20 Students <b>High Schools:</b> 1:4 Students	
School, Public, Elementary, Middle, and High Schools	P	A school organized by a governmental entity or granted a charter under Chapter 12 of the Texas Education Code, which provides elementary, middle, and/or secondary school curricula.	<b>Elementary and Middle Schools:</b> 1:20 Students <b>High Schools:</b> 1:4 Students	

Services				
Child Care Facility, Daycare	C	An establishment, other than a public or private school, providing care training, education, custody, treatment or supervision for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A state license is required.	1:300 sq.ft.	
Place of Worship	C	A building or group of buildings used for regular assembly for religious public worship and study that is used primarily for and designed for such purpose such as a church, synagogue, mosque or similar, along with accessory activities that are customarily associated therewith, such as classrooms, gathering spaces, or a place of residence for clergy on the same platted lot, and that is tax exempt as defined by State law.	<b>With Fixed Seating:</b> 1:3 Seats in the Main Assembly Area OR <b>Without Fixed Seating:</b> 1:75 sq.ft. in the Main Assembly Area	3
Industrial				
Utilities	C	Buildings, maintenance yards, equipment yards, service facilities, shops, utility buildings and lines, etc. used for the transmission, storage or maintenance of utilities such as electric utilities, gas utilities, cable facilities, or other public utilities.	1:300 sq.ft. of Building or as Determined by the Director of Planning	
<b>HR-1 District Supplemental Regulations</b>  <b>1. Dwelling, Accessory</b> a. A Single-Family Detached Dwelling located in the HR-1 zoning district may provide for an additional Dwelling Unit as accessory quarters located in the Principal Building or as part of a Detached garage, if: <ul style="list-style-type: none"> <li>i. The accessory quarters does not contain more than 600 square feet of Living Space, and</li> <li>ii. The occupant or occupants do not pay compensation for the use of the accessory quarters.</li> </ul>				

## 2. Home Occupations

A Home Occupation is only permitted as an Accessory Use in a residential Dwelling Unit if it meets the following conditions:

- a. It is conducted wholly within the Principal Building;
- b. It is not conducted within a Private Garage, whether attached or Detached;
- c. It does not depend on the employment of a person who does not reside in the residence;
- d. A separate entrance is not provided for the conduct of the occupation;
- e. An alteration is not made in the Dwelling Unit that changes its character as a Dwelling Unit;
- f. It does not use outdoor storage;
- g. It does not involve more than 300 square feet of the area of the Dwelling Unit;
- h. A Sign Advertising the Home Occupation is not located on the Premises;
- i. It does not require the delivery or shipment of merchandise, goods, or equipment by other than passenger motor vehicles,  $\frac{3}{4}$  ton step-up van or similar sized trucks;
- j. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the Premises; and
- k. It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

## 3. Place of Worship

All uses and buildings associated with and on the same campus as the Place of Worship, including assembly/gathering facilities, shall be included in the Conditional Use Permit.

### Sec. 2-158. - District Regulations.

Due to the historic character of The Hill, there are unique regulations in this area. The following regulations are subject to review and field verification to ensure structures are not built in existing easements. The following regulations apply in the Hill Area Residential District.

**Table 2-158.1: The Hill Area Residential District**

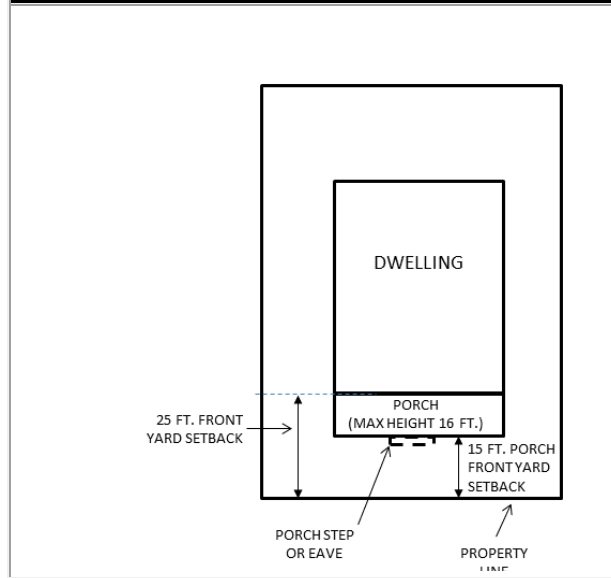
REGULATION			
LOT STANDARDS			
Minimum Lot Area			6,600 sq. ft.
Minimum Lot Width	Corner Lots		70 ft.
	All Other Lots		60 ft.
Maximum Lot Width			120 ft.
Minimum Lot Depth			110 ft.

FRONT YARD SETBACKS		
Minimum Front Yard (Setback)		25 ft. (a)
Minimum Porch Front Yard (Setback) (applies to unenclosed front porches up to 16 feet in height) (See Figures 2-158.A & 2-158.B) <i>Glass enclosed or screened porches, and porches greater than 16 feet in height must meet Principal Structure front yard setback. Maximum height is measured from finished grade to the intersection of the highest point of the porch roof and the facade. A porch roof eave or porch step must be at least 13 feet from the front lot line. Porches must meet minimum rear, side, and street side yard setbacks.</i>		15 ft.
SIDE YARD SETBACKS		
Minimum Side Yard (Setback)	Residential Use (See Figures 2-158.C & 2-158.D)	10 ft.
	Nonresidential Use	25 ft.
Minimum Street Side Yard (Setback)		15 ft.
REAR YARD SETBACKS		
Minimum Rear Yard (Setback)		15 ft.
BUILDING RESTRICTIONS		
Maximum Lot Coverage		40%
Maximum Height of Principal Building		2 ½ stories, but not more than 27 ft.
Maximum F.A.R.		0.71
PRIVATE GARAGE RESTRICTIONS (Attached and Detached)		
Minimum Private Garage Setback from front façade of Principal Building, not including porch (See Figures 2-158.E & 2-158.F)		15 ft.
Minimum Street Side Yard (Setback)	Front Load (garage doors facing front lot line)	15 ft.
	Side Load (garage doors facing street side lot line)	20 ft.
Maximum of one Private Garage permitted per lot.		
ATTACHED PRIVATE GARAGES		
Attached Private Garages are considered part of the Principal Building and must comply with the Principal Building regulations.		
DETACHED PRIVATE GARAGES		
Maximum Garage Size	Lots Less than or equal to 6,000 sq. ft.	600 sq. ft.
	Lots Greater than 6,000 sq. ft.	10% of Lot Area

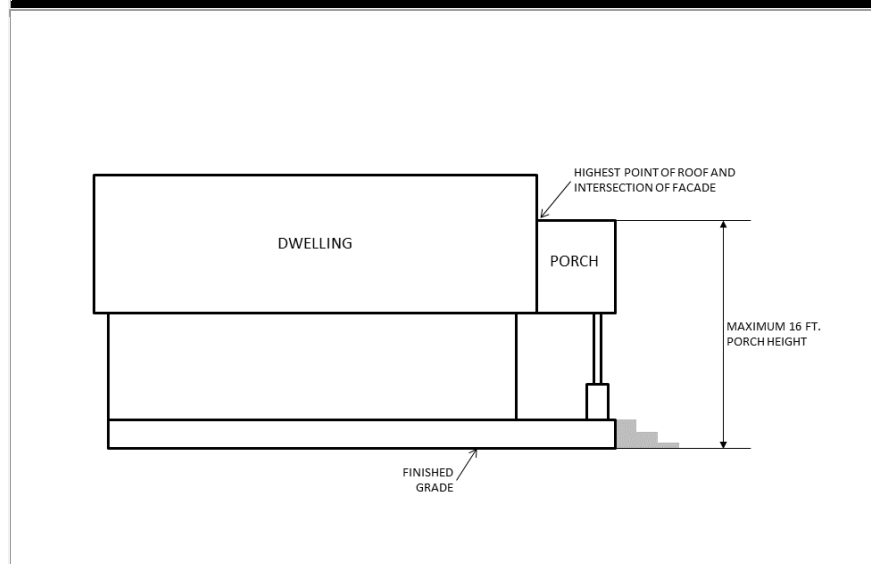


<b>Detached Garage Minimum Distance from Principal Building</b> <i>For purposes of defining attached vs detached garage, a Private Garage connected to a Principal Building by a covered breezeway shall not be considered part of the Principal Building provided that the Private Garage is at least five (5) feet from the Principal Building. The breezeway must be no more than six (6) feet wide as measured from edge-of-eave to edge-of-eave, must be unenclosed and must be free of any obstacles at ground level, excluding structural posts of the breezeway.</i>		5 ft.
Detached 1-Story Garage	Maximum Height	16 ft. (b)
	Minimum Side Yard (Setback)	1.5 ft.
	Minimum Rear Yard (Setback)	1.5 ft.
<i>For 1-Story Detached Garages, eaves must be a minimum of 6 inches from side or rear lot line. This requirement supersedes regulations found in Sec. 2-176 Allowed Yard Obstructions.</i>		
Detached 2-Story Garage	Maximum Height	27 ft. (b)
	Minimum Side Yard (Setback)	10 ft.
	Minimum Rear Yard (Setback)	15 ft.
<b>REFERENCES</b>		
<p><i>a. For Cul-de-sac Lots, the Front Yard Setback is reduced by 5 feet.</i></p> <p><i>b. Maximum Height as measured from finished grade to the highest point of the Structure.</i></p> <p><b>Additional Regulations:</b></p> <p><i>See also Article III: Height and Area Regulations and Article IV: Supplemental Regulations for additional regulations.</i></p> <p><i>Note: Parking setback requirements are detailed in Chapter 2, Article V: Off-Street Parking and Loading Regulations.</i></p>		

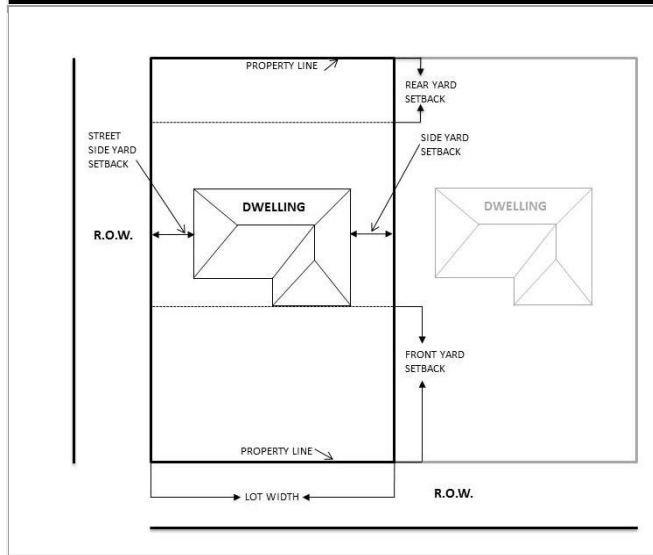
**Figure 2-158.A: Porch Front Yard (Setback) Diagram**



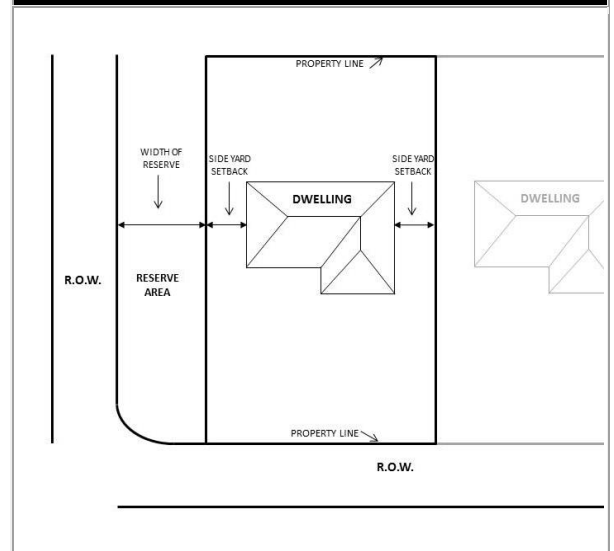
**Figure 2-158.B: Front Porch Maximum Height Diagram**



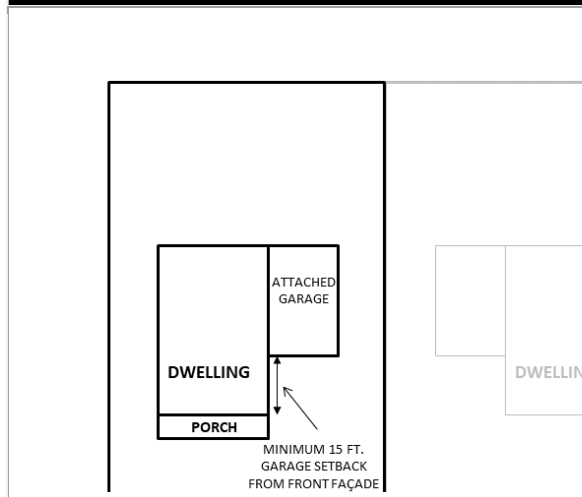
**Figure 2-158.C: Residential Yard (Setback) Diagram**



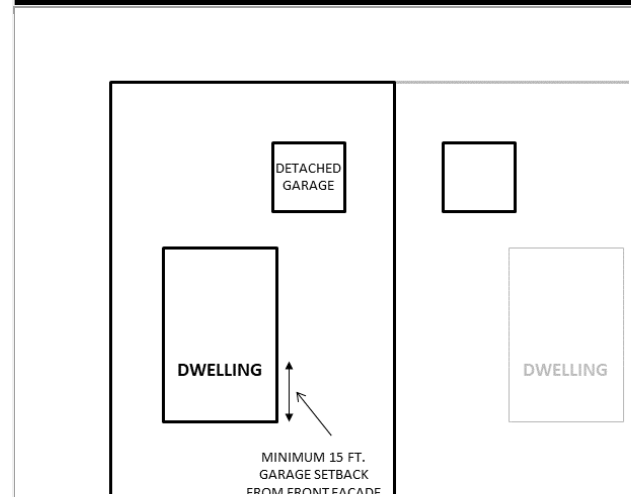
**Figure 2-158.D: Residential Yard (Setback) Diagram – Side Yard Setback at Reserve**



**Figure 2-158.E: Attached Garage Setback from Front Façade of Principal Building Diagram**



**Figure 2-158.F: Detached Garage Setback from Front Façade of Principal Building Diagram**



Sec. 2-159. Supplemental Regulations for Accessory Structures

- A. The regulations of this Section shall govern over regulations contained in Article IV. Sec. 2-192. Accessory Structures.
- B. Accessory Structures are subject to the same regulations as apply to Principal Buildings, except as otherwise specified in this Section.
- C. An Accessory Structure must not be established on any Lot prior to the establishment of the Principal Building.
- D. *Sheds*. Lots 6,600 square feet or less may have a shed that is up to 200 square feet. Lots greater than 6,600 square feet may have a shed that does not exceed 3% of the lot area. If more than 1 shed is provided, this requirement applies to the total square feet of all sheds.
- E. Maximum Size of all Accessory Structures –225 square feet or 25% of the required rear yard setback, whichever is greater for total square footage;
- F. An Accessory Structure other than Private Detached Garages must comply with the following regulations:
  - 1. Maximum Height–16 feet as measured from finished grade to the highest point of the Structure;
  - 2. Minimum Side Yard (Setback)–5 feet;
  - 3. Minimum Rear Yard (Setback)–5 feet;
  - 4. Minimum Distance from Principal Building–5 feet;
  - 5. Minimum Setback from front façade of Principal Building, not including porch–15 feet.
- G. Accessory Structures must not be located within a parking lot setback as identified in Article V: Off Street Parking and Loading Regulations.

## **EXHIBIT E**

### Sec. 2-176. - Allowed Yard Obstructions.

Every part of a required Yard must be open and unobstructed from the general ground level of the graded Lot to the sky, except as indicated in the table below:

"Y" indicates a permitted or allowed obstruction. "N" indicates not a permitted or allowed obstruction.

*Table 2-176.1: Allowed Yard Obstructions*

	<b>Obstruction</b>	<b>Front and Street Side Yard</b>	<b>Side and Rear Yard</b>
1.	Living plant material, landscaping, fountains, sculptures, planter boxes, lighting fixtures, flagpoles, mailboxes, overhead service lines and poles for utilities, which are situated and constructed in compliance with all other ordinances.	Y	Y
2.	Awnings and canopies attached to a Principal Building and projecting not more than 3 ft. from the side of the Building, and located at least 8 ft. above adjoining walkways and driveways.	Y	Y
3.	Air conditioning window or wall units not projecting more than 18 in.	Y	Y
4.	Sidewalks and driveways.	Y	Y
5.	Signs as permitted by the Sign regulations.	Y	N
6.	Fences, in compliance with this Code.	Y	Y
7.	Architectural entrance Structures on a Lot 1 acre or greater in area; or subdivision entrance signs at entrance roadways into subdivisions or planned developments containing 50 or more Lots.	Y	N
8.	Bay windows projecting not more than 3 ft., but not within 5 ft. of a Lot Line.	Y	Y
9.	Eaves, gutters, and attached chimneys, projecting not more than 24 in. into the Yard.	Y	Y
10.	Open entrances, stoops, and porches, when not covered, may project not more than 10 ft. from a Principal Building, and not more than 18 in. above grade. This type of obstruction is not allowed in the HR-1 District.	Y	Y

11.	Sills, belt courses, cornices, and ornamental features of a Principal Building, projecting not more than 12 in.	Y	Y
12.	Steps, 4 ft. or less above grade, which are necessary for access to a permitted Building or for access to a Lot from a Street or public way.	Y	Y
13.	Mechanical equipment such as central air conditioning units, heat pumps solar collecting equipment, pool equipment, and backup generators.	N	Y
14.	Balconies not projecting more than 3½ feet into the Yard.	N	Y
15.	Open off-street Parking Spaces and Loading Spaces. <i>*See Table 2-216.1 and 2-216.2 for Parking Lot Setback Requirements.</i>	Y*	Y*
16.	Arbors, pergolas, trellises, playgrounds and playhouses, and clotheslines.	N	Y
17.	Satellite dishes, as permitted by this Chapter.	N	Y
18.	Swimming pools not located within 3 ft. of a Lot Line. <i>*Swimming pools are not permitted in a Front Yard, but may be located in a Street Side Yard.</i>	N/Y*	Y
19.	Access ramps for the disabled.	N	Y
20.	Subdivision Entrance Signs.	Y	N