

ARTICLE II
ZONING DISTRICT REGULATIONS

SECTION 1. Establishment of Zoning Districts. In order to regulate the locations and use of land and buildings for trade, industry, residence and other purposes, the Town of Houston is hereby divided into the following zoning districts:

R - Residential
RM - Residential Modular
C - Commercial
I - Industrial
P - Preservation

SECTION 2. Zoning District Map. The location and boundaries of the districts hereby established are set forth and indicated on a map or maps entitled "Houston Zoning District Map" The Zoning District map, all notations, dimensions, references and symbols shown thereon pertaining to such districts shall be as much a part of this Zoning Ordinance as if fully described herein. This map, together with subsequent applicable amendments shall be conclusive as to the current zoning status of the land.

In interpreting said map, the following rules shall apply:

1. A district name or letter shown on the district map indicated that the regulations pertaining to the district designated by that name or letter extend throughout the whole area in the Town bounded by the district boundary lines within which such name or letter is shown or indicated, except as otherwise provided by this section.
2. Where uncertainty exist with respect the boundaries of the various districts as shown on the map accompanying and made part of these regulations, the following rules apply:
 - (a) In cases where a boundary line is given a position within a street or alley, right-of-way easement, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the street, alley, right-of-way easement, or stream and if the actual location of such street, alley, as shown on the district map, then the actual location shall control.
 - (b) In cases where a boundary line is shown as being located a specific distance from a street line or other feature, this distance shall control.
 - (c) Where the district boundaries as shown on the Zoning District Map approximately coincide with lot lines, or municipal boundaries, the lot lines, or municipal boundaries shall be constructed to be the district boundary line unless otherwise indicated.
 - (d) In cases where district boundaries as shown on the Zoning District Map did not coincide or approximately coincide with street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

SECTION 3. Residential District (R)

3.1 Purpose

The purpose of this district is to establish and maintain residential areas together with residentially compatible neighborhood uses such as schools, churches, community services and small neighborhood type business establishments, recreational areas and accessory uses incidental to and compatible with residential neighborhoods.

3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, but not relocatable mobile home.
2. Garden, orchard or nursery, but not commercial greenhouses.
3. Public utility uses except electric substations, relay stations, treatment plants or pumping stations.
4. Public park and recreation areas.

3.3 Accessory Uses

1. Garden house, tool house, playhouse or greenhouse incidental to residential use.
2. Home occupation incidental to the use of the property as a residence.
3. Private garages and detached home workshops.
4. Private noncommercial swimming pools and game courts for the use of occupants and guests.
5. Radio or television transmission or receiving tower not more than 50 feet in height.
6. Storage of boat trailers and self-propelled camper, camp trailer or boat but not in front yard.
7. The keeping of small domestic animals (6 or less), non-venomous insects and reptiles, fish and birds (indoors only) and only for personal enjoyment or household use.

3.4 Conditional Uses

The following uses may be permitted as conditional uses if approved by the Town Council.

1. Cemeteries.
2. Child and day care centers, nursing homes, convalescent homes and rest homes.
3. Churches, temples, synagogues, rectories, parish houses
4. Clinic, hospital, medical office building, doctor and dentist offices.
5. Neighborhood type business establishments that are conducive to a neighborhood environment, provided that such establishments do not create a nuisance such as litter, excessive traffic, noise, odor, pollution or hazardous uses, and that such establishments are primarily for and supported by the surrounding residential community. Such uses may include convenience food markets, small retail shops including, shoe and general clothing shops, books, card, gift and antique shops, banks, beauty parlors, sporting goods, and bicycle sales, flower shops, and commercial greenhouses, small restaurants and delicatessens, pet shops, but not dog kennels, including hardware and lawn and garden stores and any other neighborhood type business that Town Council deems appropriate, and excluding adult entertainment establishment, adult book stores, adult conversation parlors and message establishments, amusement arcades, pinball parlors and pool rooms.
6. Public and private lodges and organizations, public and governmental buildings or uses, including schools, fire and police stations, town offices.
7. Public utility structures and uses such as electrical substations, relay stations, sewage treatment plants and pumping stations.
8. Single-family attached or semi-detached (townhouse), two-family and multi-family dwellings and developments, subdivisions and cluster subdivisions.

3.5 Other Requirements

Other requirements are stated in the below listed Articles:

1. Article III Miscellaneous Provisions
2. Article IV Conditional Use and Non-Conforming
3. Article V Administration and Enforcement
4. Article VI Site Plan Applications
5. Article VII Subdivision Applications
6. Appendix H Area Regulations

SECTION 3a. Residential Modular District (RM)

3a.1 Purpose

The purpose of this district is to establish and maintain modular residential areas together with residentially compatible neighborhood uses such as schools, churches, community services and small neighborhood type business establishments, recreational areas and accessory uses incidental to and compatible with residential neighborhoods.

3a.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. New detached single-family modular homes, but not relocatable mobile homes.
2. Garden, orchard or nursery, but not commercial greenhouses.
3. Public utility uses except electric substations, relay stations, treatment plants or pumping stations.
4. Public park and recreation areas.

3a.3 Accessory Uses

1. Garden house, tool house, playhouse or greenhouse incidental to residential use.
2. Home occupation incidental to the use of the property as a residence.
3. Private garages and detached home workshops.
4. Private noncommercial swimming pools and game courts for the use of occupants and guests.
5. Radio or television transmission or receiving tower not more than 50 feet in height.
6. Storage of boat trailers and self-propelled camper, camp trailer or boat but not in front yard.
7. The keeping of small domestic animals (6 or less), non-venomous insects and reptiles, fish and birds (indoors only) and only for personal enjoyment or household use.

3a.4 Conditional Uses

The following uses may be permitted as conditional uses if approved by the Town Council.

1. Child and day care centers, nursing homes, convalescent homes and rest homes.
2. Churches, temples, synagogues, rectories, parish houses
3. Clinic, hospital, medical office building, doctor and dentist offices.
4. Neighborhood type business establishments that are conducive to a neighborhood environment, provided that such establishments do not create a nuisance such as litter, excessive traffic, noise, odor, pollution or hazardous uses, and that such establishments are primarily for and supported by the surrounding residential community. Such uses may include convenience food markets, small retail shops including, shoe and general clothing shops, books, card, gift and antique shops, banks, beauty parlors, sporting goods, and bicycle sales, flower shops, and commercial greenhouses, small restaurants and delicatessens, pet shops, but not dog kennels, including hardware and lawn and garden stores and any other neighborhood type business that Town Council deems appropriate, and excluding adult entertainment establishment, adult book stores, adult conversation parlors and message establishments, amusement arcades, pinball parlors and pool rooms.
5. Public and private lodges and organizations, public and governmental buildings or uses, including schools, fire and police stations, town offices.
6. Cluster subdivisions.

3a.5 Other Requirements

Other requirements are stated in the below listed Articles:

1. Article III Miscellaneous Provisions
2. Article IV Conditional Use and Non-Conforming
3. Article V Administration and Enforcement
4. Article VI Site Plan Applications
5. Article VII Subdivision Applications
6. Appendix H Area Regulations

SECTION 4. Commercial District (C)

4.1 Purpose

The purpose of this district is to provide sufficient space in appropriate locations for a variety of commercial activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activities now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material or the nuisance factor of dust, odor and noise associated with manufacturing.

4.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use of conditional use permitted in the Residential District except dwellings. A single-family dwelling is permitted in association with a permitted office or business or commercial use in the same building or on the same premises for use by the proprietor or an employee of said business. A multiple-family dwelling is permitted on any floors, above the first in accordance with the minimum lot size, and side and rear yard requirements of the Residential District, provided the first floor is designed for and used in its entirety for a permitted office, business, or commercial use.
2. Animal hospital, veterinary office, or kennel with any open pens at least 200 feet from a Residential District.
3. Automobile, truck, bus or motorcycle sales, service, storage or repair, but not salvage or junk yards, and provided that major repair or storage of damaged vehicles shall be inside a completely enclosed building.
4. Bottling works, cleaning works, or laundry, plumbing and heating shop, painting shop, upholstering shop not involving furniture manufacturing, furniture sales, tire sales and service, general service and repair establishments.
5. Boat, manufactured home, travel trailer and camper sales, display and storage provided that all units shall be in usable condition and no units shall be displayed or stored in front yard.
6. Building contractors, construction materials, building and lumber supply, and related equipment and storage provided such equipment and storage are screened from public view.
7. Drive-in restaurants and fast food establishments.
8. Filling stations, so long as bulk storage of inflammable liquids is underground.

9. Hotels, motels, and motor lodges and tourist homes.
10. Wholesale establishments of not more than 2500 square feet of accessory storage.

4.3 Accessory Uses

1. Any accessory use permitted in the residential district.
2. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

4.4 Conditional Use

The following may be permitted as conditional uses if approved by the Town Council:

Wholesale establishment or warehouse with up to 15,000 square feet of gross floor area.

4.5 Other Requirements

Other requirements are stated in the below listed Articles:

1. Article III Miscellaneous Provisions
2. Article IV Conditional Use and Non-Conforming
3. Article V Administration and Enforcement
4. Article VI Site Plan Applications
5. Article VII Subdivision Applications
6. Appendix H Area Regulations

SECTION 5. Industrial District (1)

5.1 Purpose

The purpose of this district is to provide sufficient space in appropriate locations for certain types of businesses and manufacturing uses relatively free from offense, in modern landscaped buildings, and to make available attractive locations for these businesses and industries. Typical development in this district would be that which is commonly known as an industrial park. In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential uses are restricted.

5.2 Permitted Uses

No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following and in accordance with performance standards of this ordinance and subject to site development plan approval by the Town Council:

1. Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking, or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances, and devices, provided that the fuel used shall be oil, gas, electric, together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.
2. Research, design, testing and development laboratories.
3. Printing, publishing, binding, packaging, storage, warehousing, transshipment and distribution, and trucking terminals.
4. Business, professional or administrative offices, banks, retail and service establishments, hotels, motels and restaurants, motor vehicle service stations, and public utility uses; provided, however, that all of the uses specified herein, except business, professional or administrative offices and public utility uses, shall only be located upon a thoroughfare, arterial street or access highway within the IPM zone, and banks, retail and service establishments shall be confined to a shopping center complex.
5. Agricultural or farm use.

5.3 Prohibited Uses.

1. Residences, except those existing at the time of adoption of this amendment.
2. Manufacturing uses involving primary production of the following products from raw materials: Asphalt, cement, charcoal, and fuel briquettes. Chemicals: Aniline dyes, ammonia, carbide, caustic soda, cellulose,

chemical mixtures for any purpose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxyline, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids. Coal, coke, and tar products including gas manufacturing; explosives, fertilizers, glue, and size (animal). Linoleum and oil cloth; matches, paint, varnishes, and turpentine. Rubber (natural or synthetic), soaps, including fat rendering.

3. The following processes: Nitrating of cotton or other materials; magnesium foundry; reduction, refining smelting, and alloying of metal or metal ores; refining secondary aluminum, refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper-mill operations.
4. Operation involving stock yards, slaughter houses, and slag piles.
5. Storage of explosives. Bulk or wholesale storage of gasoline above ground.
6. Dumps.
7. Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.
8. Junk yards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

5.4 Other Requirements

Other requirements are stated in the below listed Articles:

1. Article III Miscellaneous Provisions
2. Article IV Conditional Use and Non-Conforming
3. Article V Administration and Enforcement
4. Article VI Site Plan Applications
5. Article VII Subdivision Applications
6. Appendix H Area Regulations

5.5 Performance Standards

1. No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious, or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the responsible use of the surrounding area or adjoining premises; fire; explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; or their substance conditions or element (referred to hereinafter as "dangerous or objectionable elements"); provided that any use permitted or not expressly prohibited by this

ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

2. Uses Requiring Performance Standards Procedure.

Only those uses in the Commercial and Industrial Zones and uses accessory thereto, are subject to the procedure specified in Section 2.0 in obtaining a zoning permit, unless the Kent County Code Enforcer has reasonable grounds to believe that another proposed use is likely to violate performance standards in which event the applicant shall comply with performance standards procedure.

3. Enforcement Provisions Applicable to Other Uses.

Even though compliance with performance standards procedure in obtaining a zoning permit is not required for some particular uses, initial and continuing compliance with the performance standards themselves is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Kent County Code Enforcer against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

5.6 Fire and Explosion Hazards.

All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of the State and Local laws and regulations shall also apply.

1. Radioactivity or Electromagnetic Disturbance.

No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

2. Noise.

The maximum sound pressure level radiated by any *use* of facility (other than transportation facilities) at the property line shall not exceed the Values in the designated octave bands given in Table I, after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, NY and American Standards Specification for an Octave- Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, NY, shall be used.)

TABLE I

<u>Octave Bank Range in Cycle per Second</u>	<u>Sound Pressure Level in Decibels</u> Re: 0.002 dyne/cm ²
30-300	60
300-2400	40
Above 2400	30

If the noise is not smooth, continuous, and is not radiated between the hours of 10:00 p.m. and 7:00 a.m. (1 or more of the corrections in Table II shall be applied to the _decibel levels given in Table 1.)

TABLE II

<u>Type of Location and Operation or Character of Noise</u>	<u>Correction In Decibels</u>
1. Daytime Operations only	
2. Noise source operates less than*	
a. 20% of any one-hour period	5
b. 05% of any one-hour period	10
3. Noise of impulsive character (Hammering, etc.)	-5
4. Noise of periodic character (hum, screech, etc.)	-5
5. Property is located in one of the following zones and is not within 500 feet of any Residential district*	
a. Central Commercial C-2 Zone	5
b. Service Commercial C-3 Zone	10
6. Property is located in Industrial Park Manufacturing Zone 1PM	10

*Apply one of these corrections only.

3. No vibration.

Shall be permitted which is discernable without instruments at the property line.

4. Smoke.

No emission shall be permitted at any point, from any chimney or otherwise, or visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publication Company, Inc., and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.

5. **Odors.**

No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, 'Odor Thresholds', in Chapter 5, 'Air Pollution Abatement Manual' copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.

6. **Fly Ash, Dust, Fumes, Vapors, Gases and other forms of Air Pollution**

No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point; and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cu. ft. of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50) percent excess air.

7. **No direct or shy-reflected glare**

Whether from floodlights or from high-temperature processes such as combustion or welding or otherwise shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

8. **Liquid or Solid Wastes.**

No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Health or standards equivalent to those approved by such department for similar uses, of any materials of such nature of temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

5.7 **Performance Standard Procedure**

1. **Application.**

An application for a building permit or a certificate of occupancy for a use subject to performance Standards procedure shall be submitted to the Kent County Code Enforcer in duplicate on a form prescribed form. The applicant shall also submit in duplicate a plan of the proposed machinery, operations, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of Dangerous and Objectionable Elements referred to the Section 1.0 in accordance with rules prescribed by the Commission specifying the type of information

required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential, if requested. The fee for such application shall include the cost of the special reports required to process it, described below.

2. Report by Expert Consultants.

The Town Council, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable Performance Standard specified herein. Such consultant or consultants shall make such report within 20 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

3. Decision of the Town Council.

At the next regular meeting of the Town Council, but in no event more than 30 days after the Commission has received the aforesaid report, or within such further period as agreed to by the applicant, the Commission shall decide whether the proposed use will conform to the applicable performance Standards and on such basis shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the proposed plan of construction. Such decision of the Commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things, (I) The applicant's completed buildings and installations in operation conforming to the applicable Performance Standards, and (II) The applicant's paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Town Council for advice as to whether or not the applicant's completed building and installations will, in operation, conform to the applicable Performance Standards.

SECTION 6. Preservation District (P)

6.1 Purpose

The purpose of this district is to preserve undeveloped areas such as open space and agricultural lands, areas of special environmental quality, recreation potential, natural beauty or ecological importance, to enhance the quality of life in Houston, including the opportunity for privacy, natural environment, and beauty, rural and low density surroundings and recreational assets.

6.2 Permitted Uses

1. General farming, cultivation of field crops, orchards, groves or nurseries for growing or propagation of plants, turf, trees and shrubs.
2. Passive recreational uses, parkways and facilities either or publicly owned and operated.

6.3 Conditional Uses

The following may be permitted as conditional uses if approved by the Town Council:

1. Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
2. Active public or private recreational uses, including parks, (but not amusement or theme parks), unlighted ball fields, playgrounds, swimming pools and game courts, and accessory structures for keeping and storage of recreational related and maintenance equipment, and those structures deemed necessary for the proper operation of such recreational lands, parks, and open space.
3. Detached single-family farm dwelling including detached, relocatable modular homes but not mobile homes, provided such dwelling is used as a residence in conjunction with a farm or the cultivation of crops.

6.4 Other Requirements

Other requirements are stated in the below listed Articles:

1. Article III Miscellaneous Provisions
2. Article IV Conditional Use and Non-Conforming
3. Article V Administration and Enforcement
4. Article VI Site Plan Applications
5. Article VII Subdivision Applications
6. Appendix H Area Regulations