ZONING ORDINANCE

City of Terrell, Texas

Passed and Adopted May 20, 2008

CITY COUNCIL
Hal Richards – Mayor
Ricky Jordan – Mayor Pro Tem
Jack Jones – Deputy Mayor Pro Tem
Tommy Spencer – District 2
Don Thurman – District 5

STAFF
Torry Edwards – City Manager
Mike Sims – Assistant City Manager
John Rounsavall – City Secretary
Terry Capehart – MD Director
Mary Gayle Ramsey – City Attorney

PLANNING AND ZONING COMMISSION
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TABLE OF CONTENTS

I. ENACTING PROVISIONS 1
SECTION 1 ENACTING CLAUSE 3
SECTION 2 TITLE AND PURPOSE 3
SECTION 3 ZONING DISTRICT MAP 3
SECTION 4 ZONING DISTRICT BOUNDARIES 4
SECTION 5 COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS 5
SECTION 6 ZONING UPON ANNEXATION 6

II. ZONING PROCEDURES AND ADMINISTRATION 9
SECTION 7 NONCONFORMING USES AND STRUCTURES 9
SECTION 8 PLANNING AND ZONING COMMISSION 13
SECTION 9 BOARD OF ADJUSTMENT (BOA) 17
SECTION 10 ZONING CHANGES AND AMENDMENTS TO ZONING ORDINANCE OR DISTRICTS AND ADMINISTRATIVE PROCEDURES 25
SECTION 11 BUILDING PERMITS; CERTIFICATES OF OCCUPANCY AND COMPLIANCE 31
SECTION 12 CONCEPT PLAN AND SITE PLAN REVIEW PROCESSES 33

III. ZONING DISTRICTS 39
SECTION 13 ZONING DISTRICTS ESTABLISHED 39
SECTION 14 AGRICULTURE (AG) DISTRICT 41
SECTION 15 *(Reserved)* 43
SECTION 16 SINGLE-FAMILY RESIDENTIAL-16 (SF-16) DISTRICT 43
SECTION 17 SINGLE-FAMILY RESIDENTIAL-10 (SF-10) DISTRICT 45
SECTION 18 SINGLE-FAMILY RESIDENTIAL-7.5 (SF-7.5) DISTRICT 47
SECTION 19 SINGLE-FAMILY RESIDENTIAL-6 (SF-6) DISTRICT 49
SECTION 20 TOWNHOUSE RESIDENTIAL-12 (TH-12) DISTRICT 51
SECTION 21 MULTI-FAMILY RESIDENTIAL-22 (MF-22) DISTRICT (APARTMENTS) 57
SECTION 22 (Reserved) 61
SECTION 23 MANUFACTURED HOME (MH) DISTRICT 61
SECTION 24 OFFICE (O) DISTRICT 67
SECTION 25 NEIGHBORHOOD SERVICE (NS) DISTRICT 69
SECTION 26 RETAIL (R) DISTRICT 71
SECTION 27 CENTRAL BUSINESS DISTRICT (CBD) 73
SECTION 28 *(Reserved)* 81
SECTION 29 COMMERCIAL (C) DISTRICT 81
SECTION 30 LIGHT INDUSTRIAL (LI) DISTRICT 83
SECTION 31 OVERLAY AND SPECIAL DISTRICTS 85
SECTION 31A PD – PLANNED DEVELOPMENT OVERLAY DISTRICT 85
SECTION 31B SUP - SPECIFIC USE PERMITS 93
SECTION 31C *(Reserved)* 100

IV. USE REGULATIONS 101
SECTION 32 USE REGULATIONS (CHARTS) 101

V. DEVELOPMENT STANDARDS 119
SECTION 33 OFF-STREET PARKING AND LOADING REQUIREMENTS 119
SECTION 34 LANDSCAPE REQUIREMENTS 135
SECTION 35 ACCESSORY STRUCTURE AND USE REGULATIONS 143
SECTION 36 FENCING, WALLS AND SCREENING REQUIREMENTS 145
SECTION 37 EXTERIOR CONSTRUCTION AND DESIGN RQUIREMENTS 151
SECTION 38 SUPPLEMENTAL REGULATIONS 155
SECTION 39 PERFORMANCE STANDARDS 167
SECTION 40 LIGHTING AND GLARE STANDARDS 169
SECTION 41 HOME OCCUPATION REGULATIONS 171
SECTION 42 SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES 175
SECTION 43 *(Reserved)* 179
SECTION 44 DEFINITIONS 179

VI. INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE 207
SECTION 45 EFFECT OF INTERPRETATION; REPEALER 207
SECTION 46 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES 207
SECTION 47 PENALTY FOR VIOLATIONS 207
SECTION 48 VALIDITY 208
SECTION 49 EFFECTIVE DATE 208

ZONING ORDINANCE
City of Terrell, Texas
Ordinance No. 2371

I. ENACTING PROVISIONS

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REPEALING THE COMPREHENSIVE ZONING ORDINANCE (CHAPTER 13) OF THE CITY OF TERRELL, ADOPTED ON THE 14th DAY OF NOVEMBER 1961, TOGETHER WITH ALL AMENDMENTS THERETO; ESTABLISHING AND PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY THE CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS COURTS AND OPEN SPACES, AND THE HEIGHT, BULK, EXTERIOR ELEVATIONS AND USE OF BUILDINGS AND LAND FOR NONRESIDENTIAL, RESIDENTIAL AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PERMITS (SUP); REPEALING THE FOLLOWING ABANDONED OR DISCONTINUED SUP ORDINANCES: 1377, 1418, 1424, 1474, 1688, 1713, 1720, 1842, 1857, 1941, 1977, 1996, 2033, 2090, 2173, 2181; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF EACH LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR NONRESIDENTIAL USES; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR APPROPRIATE PLAN APPROVALS; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A ZONING BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; CREATING A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; PROVIDING FOR ALL REFERENCES TO ZONING DISTRICTS IN THE CITY CODE OF ORDINANCES AND OTHER CITY ORDINANCES TO BE SUPERSEDED BY THOSE DISTRICTS LISTED HEREIN; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE AND A REPEALER CLAUSE; AND PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE.

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

PASSED AND APPROVED by the City Council of the City of Terrell, Texas on the 6th day of May, 2008.

PASSED AND ADOPTED by the City Council of the City of Terrell, Texas on the 20th day of May, 2008.

(City's Seal)

_____
Hal Richards, Mayor
City of Terrell, Texas

ATTEST:

_____
John Rounsavall, City Secretary
City of Terrell, Texas

APPROVED AS TO FORM:

_____
Mary Gayle Ramsey, City Attorney
City of Terrell, Texas

SECTION 1 ENACTING CLAUSE

THIS ORDINANCE IS HEREBY ENACTED AND ADOPTED AS THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF TERRELL, TEXAS. THE PREVIOUS ZONING ORDINANCE OF THE CITY, ADOPTED ON THE 14TH DAY OF NOVEMBER 1961, TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREBY AMENDED, REPEALED AND REPLACED IN ITS ENTIRETY BY THIS ORDINANCE TO READ AS FOLLOWS:

SECTION 2 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the City of Terrell's "Comprehensive Zoning Ordinance" or "Zoning Ordinance".

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

SECTION 3 ZONING DISTRICT MAP

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

3.2 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as "Official Zoning Map of the City of Terrell, Texas -- Ordinance No. 2371". This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2371 of the City of Terrell, Texas, adopted on the 20 day of May, 2008". This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

3.3 A copy of the official Zoning District Map shall be placed in the office of the Municipal Development Department. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

Any changes or amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the City Council, together with a descriptive entry on the map as follows: "On the ___ day of _____, 20__, by official action of the City

Council of Terrell, Texas, the following change(s) was made on the City's official Zoning District Map: _____(enter a brief description of the nature of the change), Ordinance No. _____, effective date _____, 20___". Each descriptive entry for a Zoning Map amendment shall be signed by the Mayor and attested by the City Secretary.

3.4 In the event that the official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to age, exposure, or the nature or number of changes or additions, the City Council may adopt, by ordinance following a public hearing, a new official Zoning Map which shall replace and supersede the prior Zoning Map, but which shall not, in effect, amend or otherwise change the original official Zoning Map or any subsequent amendment thereto. The new official Zoning Map shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the original Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2371 of the City of Terrell, Texas, adopted on the 20th day of May, 2008". Unless the prior official Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 4 ZONING DISTRICT BOUNDARIES

4.1 The zoning district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules shall apply:

A. Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

B. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries shown as approximately following City limits shall be construed as following such City limits.

D. Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.

E. Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainage-ways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.

F. Boundaries shown as parallel to, or extensions of, features described in Subsections "A" through "E" above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.

G. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way (or to the new property ownership boundary line, if it is

not determined to be at the former centerline) and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

I. Where physical features on the ground are at variance with information shown on the Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections "A" through "H" above, then the Board of Adjustment shall interpret the zoning district boundaries.

J. If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "AG" (Agricultural district) in the same manner as provided for newly annexed territory.

K. Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance, adopted on November 14th, 1961, and the effective date of this Ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

SECTION 5 COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS

5.1 All land, buildings, structures or appurtenances thereon located within the City of Terrell, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per Section 47 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.

5.2 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

5.3 No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.

5.4 Unless otherwise provided herein, no building shall hereafter be erected or altered:

1. To have more narrow or smaller front, side or rear yards than those required by this Ordinance;

2. To exceed the maximum height allowed by this Ordinance;

3. To occupy a greater percentage of lot area than allowed by this Ordinance; or

4. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.

SECTION 6 ZONING UPON ANNEXATION

6.1 As soon as practical following annexation, but in no event more than one hundred and eighty (180) calendar days thereafter, the City Council shall, on its own motion or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory, thereupon the Municipal Development Department shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council. For the period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be Agricultural ("AG"), and all zoning and development regulations of the "AG" zoning district shall be adhered to with respect to development and use of the land that has been newly annexed. This interim "AG" zoning classification shall continue until the zoning of the property has been officially changed in accordance with Section 10 of this Ordinance.

6.2 The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.

6.3 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.

6.4 Within an area classified as "AG" (Agricultural):

A. No permit for the construction of a building or use of land shall be issued by the Municipal Development Department, or his/her designee, other than a permit which will allow the construction of a building or use permitted in the "AG" district, unless and until such territory has been classified in a zoning district other than the "AG" district by the City Council in the manner prescribed by Section 10, except as provided in Subsection "B" below.

B. If plans and preparations for developing a property for a use other than those specified in the "AG" district were already in progress prior to annexation of the property into the City of Terrell, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:

1. An application for a building permit for the proposed building or use must be made to the Municipal Development Department of the City of Terrell (or his/her designee) within three (3) months (i.e., within 90 calendar days) after annexation of the property into the City; and

2. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

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

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II. ZONING PROCEDURES AND ADMINISTRATION

SECTION 7 NONCONFORMING USES AND STRUCTURES

7.1 INTENT OF PROVISIONS:

A. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.

B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

7.2 NONCONFORMING STATUS:

A. Any use, platted lot or structure which does not conform with the regulations of this Zoning Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Subsection "C" below, shall be deemed a nonconforming use, platted lot or structure provided that:

1. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or

2. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or

3. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

B. Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment hereto, and except as provided in Subsection "C" below, shall be deemed to be in violation of this Ordinance, and the City shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot or structure.

C. The following types of platted lots shall be deemed in conformance with the provisions of this Ordinance, notwithstanding the fact that such lot does not meet the standards of this Ordinance in the district in which it is located:

1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or

2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

7.3 CONTINUING LAWFUL USE OF LAND AND STRUCTURES:

A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

7.4 ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURE OR LAND:

A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

B. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:

1. The use ceases to operate for a continuous period of six (6) months (i.e., 180 calendar days);

2. The structure remains vacant for a continuous period of six (6) months (i.e., 180 calendar days); or

3. In the case of a temporary use, the use is moved from the premises for any length of time.

7.5 CHANGING NONCONFORMING USES:

A. A nonconforming use shall not be changed to another nonconforming use.

B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

C. A conforming use located in a non-conforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

7.6 EXPANSION OF NONCONFORMING USES AND STRUCTURES:

A. A nonconforming use may be extended throughout the structure in which it is located, provided that:

1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;

2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

B. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

7.7 RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE:

A. If sixty percent (60%) or more of the total appraised value, as determined by the Kaufman County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.

B. If less than sixty percent (60%) of the total appraised value, as determined by the Kaufman County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Municipal Development Department.

C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in Subsection 7.6 above.

D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Ordinance.

E. Nothing in this Ordinance shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance are estimated to exceed sixty percent (60%) of the structure's appraised value, as determined by the Kaufman County Appraisal District, at which point the entire structure and all repairs and maintenance

shall be reconstructed in conformity with the standards of this ordinance. Cost estimate documentation (bids) shall be submitted with the building permit application in order to verify compliance with this section.

7.8 MOVING OF NONCONFORMING STRUCTURE:

A. No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to the City's Subdivision Ordinance as well as approval of a Building Permit Plan in accordance with Section 12.3 of this Ordinance.

7.9 NONCONFORMING LOTS:

A. Nothing in this Ordinance shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Ordinance.

7.10 RIGHT TO PROCEED PRESERVED:

A. Nothing contained in this Section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

SECTION 8 PLANNING AND ZONING COMMISSION

8.1 GENERAL:

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

8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

A. *Planning and Zoning Commission created; composition.* There is hereby created a Planning and Zoning Commission which shall be composed of nine (9) members who shall be resident citizens, taxpayers and qualified voters of the city and who must meet the policy guidelines established by the City Council for all board members of the City of Terrell.

B. *Appointment and terms of members.* Members of the commission shall be appointed by a majority vote of the City Council. All appointments to the Planning and Zoning Commission shall be for a term of two (2) years. Vacancies on the Planning and Zoning Commission occurring other than through expiration shall be filled by the City Council for that portion of the unexpired term remaining.

C. *Term Limitations.* No appointed office holder shall serve more than three (3) consecutive terms in the position to which the office holder was appointed.

D. *Absence*. Members with three (3) consecutive unexcused absences per calendar year from regular or posted meetings shall forfeit the unexpired portion of their term.

E. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation. The Commission shall meet a minimum of once per month, or as required.

F. The Planning & Zoning Commission shall appoint a Chairperson and a Vice-Chairperson from among its membership and shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible to those governing the city council and shall be subject to approval of such city council. Such bylaws shall include, among other items, provisions for:

1. Regular and special meetings, open to the public;

2. A record of its proceedings, to be open for inspection by the public;

3. Reporting to the governing body and the public, from time to time and annually; and

4. Rules of order and the holding of public hearings on its recommendations.

8.3 PARLIAMENTARY PROCEDURE; QUORUM; VOTING:

A. The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

1. **Quorum -** A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.

2. **Voting -** All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.

3. **Conflict of Interest -** If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists. (refer to Chapter 171, Texas Local Government Code regarding conflicts of interest)

8.4 MEETINGS; PUBLIC RECORD:

A. The Planning and Zoning Commission shall meet in the City Hall building or in some other specified location as may be designated by the presiding Chairperson, monthly or at such intervals as may be required to orderly and properly transact the business of the Commission.

B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

8.5 ESTABLISHING EXTRATERRITORIAL JURISDICTION:

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

8.6 POWERS AND DUTIES:

A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code, as amended.

B. The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning for real property, Zoning and Subdivision Ordinance amendments, zoning to be given to newly annexed areas, approval of plats of subdivisions, and other planning-related matters. The Planning and Zoning Commission shall review the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council, as deemed necessary, to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall also serve in an advisory capacity on any other planning-related matter(s) in the City.

8.7 PROCEDURE ON ZONING HEARINGS:

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

8.8 JOINT MEETINGS WITH THE CITY COUNCIL:

A. Whenever the City Council and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council, by ordinance and after publication of proper notice as required by law, may hold joint meetings and conduct joint public hearings with the Planning and Zoning Commission. In either case, the governing body may not take action on the matter until it receives the final report of the Zoning Commission.

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SECTION 9 BOARD OF ADJUSTMENT (BOA)

9.1 CREATION:

A. There is hereby created a Board of Adjustment (BOA), hereafter referred to as the "Board", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers, qualified voters or have a demonstrable interest in the City of Terrell.

9.2 MEMBERS; TERMS OF OFFICE:

A. The Board of Adjustments shall consist of seven (7) members, who shall be appointed by a simple majority vote of the full City Council, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.

B. Regular Board members shall serve for a term of two (2) years.

C. Any vacancy(s) on the Board shall be filled for the unexpired term(s) via appointment by a simple majority vote of the full City Council for the remainder of the term(s).

D. Term Limitations: No person shall serve more than three (3) consecutive terms as a member of the board of adjustment.

E. Members of the Board may be removed from office for cause on written charge, and after a public hearing, by a simple majority vote of the full City Council. Members with three (3) consecutive unexcused absences per calendar year from regular or posted meetings shall forfeit the unexpired portion of their term.

F. The members of the Board shall regularly attend meetings and public hearings of the Board, shall serve without compensation.

G. The Board of Adjustment shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as Secretary to the Board of Adjustment, and shall keep minutes of all meetings held by the Board. The Secretary shall also set up and maintain a separate file for each application for hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the Post Office. All records and files herein provided for shall be permanent and official records of the City of Terrell. The Secretary shall also immediately notify in writing the City Council, Planning and Zoning Commission, and the Municipal Development Department (MDD) of each decision rendered by the Board in the conduct of its duties.

H. The Board of Adjustment shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible to those governing the City Council, and the Board's rules, regulations and bylaws shall be subject to approval by City Council.

9.3 MEETINGS:

A. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings.

B. The Board will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Board on the following:

1. **Quorum** - Four (4) members of the Board shall constitute a quorum for the conduct of business.

2. **Voting** - All Board members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present. A minimum of four (4) votes shall be required to pass any motion. A lack of a motion or a failure to receive four (4) affirmative votes to grant a variance shall result in the denial of the variance.

3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Board's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists. (Refer to Chapter 171, Texas Local Government Code regarding conflicts of interest)

9.4 AUTHORITY OF BOARD OF ADJUSTMENT:

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

1. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;

2. Authorize, in specific cases, a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done; and

3. Make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the rules in Section 4 of this Ordinance (Zoning District Boundaries) do not apply or are ambiguous.

B. In exercising its authority under Subsection A.1 above, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

C. The concurring vote of at least four (4) members, of the full Board of Adjustment is necessary to:

1. Reverse an order, requirement, decision or determination of an administrative official;

2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;

3. Authorize a variance from a provision of this Zoning Ordinance; or

4. Hear and decide special exceptions to a provision of this Zoning Ordinance (see Section 9.6E.).

9.5 LIMITATIONS ON AUTHORITY OF BOARD OF ADJUSTMENT:

A. The Board of Adjustment may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.6.

C. The Board of Adjustment shall have no power to grant or modify Planned Developments or Specific Use Permits authorized under Section 31B of these regulations.

D. The Board of Adjustment shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the City Council.

E. The Board of Adjustment shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board of Adjustment.

F. No variances shall be granted to allow any prohibited sign, use or activity.

9.6 VARIANCES AND SPECIAL EXCEPTIONS:

A. The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. For example, if the subject property substantially differs from other similarly zoned land parcels by being of such restricted area, shape or slope that it cannot reasonably be developed in the same manner as other similarly zoned land parcels, then a variance of the building setback, lot width or depth, parking requirement, or other development standard may be warranted. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

B. **Conditions Required for Variance -** No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.8 of this Ordinance and unless the Board of Adjustment finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and

4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance; and

5. That a finding of undue hardship exists (see Section 9.6C below).

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

C. **Findings of Undue Hardship -** In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property; and

2. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and

3. That the relief sought will not injure the permitted use of adjacent conforming property; and

4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

E. **Special Exceptions for Nonconforming Uses and Structures -** Upon written request of the property owner, the Board may grant special exceptions to the provisions of Section 7 of this Ordinance, limited to the following, and in accordance with the following standards:

1. Expansion of the land area of a nonconforming use, up to a maximum of ten (10) percent; or

2. Expansion of the gross floor area of a nonconforming structure, up to a maximum of ten (10) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property; or
3. Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

4. In granting special exceptions under this Subsection, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of the Zoning Ordinance.

5. For existing single-family and duplex structures that were constructed prior to the effective date of this Ordinance, the Board of Adjustment may authorize a special exception for any structure that was constructed over a setback line established by this Ordinance.

6. The Board of Adjustment may authorize a special exception for the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire or other cause to the extent of more than sixty percent (60%), but less than the total, of the appraised value of the structure, as determined from the records of the Kaufman County Appraisal District, as of the date of the damage. Such action by the Board of Adjustment shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.

7. The Board of Adjustment may authorize a special exception for the enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure closer into compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare.

F. **Alternative Landscaping Plan -** The Board of Adjustment may approve an alternative landscape plan on lots platted prior to this ordinance that modifies the minimum requirements of Section 31.6 if it finds that the alternative landscaping proposed is sufficient to meet the spirit and intent of Section 31.6; the alternative landscaping proposed better serves a legitimate "public good" purpose (such as better screening or buffering between uses, increased opportunity to preserve valuable existing trees, etc.) or it grants relief for a property owner in unusual circumstances (such as reconstruction of a building that has been destroyed); and there will be no adverse effect on neighboring properties or inequity created for similarly zoned properties within the City.

9.7 APPEALS TO THE BOARD OF ADJUSTMENT:

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

B. **Who May Appeal** - Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official:

1. A person directly aggrieved by the decision; or

2. Any officer, department, board or office of the City affected by the decision.

C. **Procedure for Appeal** - The appellant must file with the Board of Adjustment and the official from whom the appeal is taken a written Notice of Appeal specifying the grounds for the appeal. The Notice of Appeal shall be filed within fifteen (15) calendar days after the decision has been rendered. Upon receiving the Notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustment all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board of Adjustment facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board of Adjustment or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within forty-five (45) calendar days after the written request (i.e., Notice of Appeal) was received. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

D. A member of the City Council may not bring an appeal to the Board.

9.8 **PROCEDURES:**

A. **Application and Fee** - An application for a variance or a special exception to be heard by the Board of Adjustment, or for an appeal to the Board, shall be made in writing using forms prescribed by the City, and shall be accompanied by an application fee (as set forth by Ordinance of the City Council), a site plan, and any other additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.

B. **Review and Report by the City** - A representative of the Municipal Development Department shall visit the site where the proposed variance or special exception will apply and the surrounding area, and shall report his/her findings to the Board of Adjustment.

C. **Notice and Public Hearing** - The Board of Adjustment shall hold a public hearing for consideration of the variance or special exception request no later than forty-five (45) calendar days after the date the application for action, or an appeal, is filed. Written notice of the public hearing for a variance or special exception shall be provided to all property owners, via U.S. mail, within two hundred feet (200') of the affected property at least ten (10) calendar days prior to the public hearing. Notice shall also be published in the official local newspaper before the fifteenth (15th) calendar day prior to the public hearing.

D. **Action by the Board of Adjustment** - The Board of Adjustment shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in Section 9.6 has been satisfied. The Board of Adjustment may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance

or special exception as are necessary to protect the public health, safety, convenience and welfare. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

E. **Burden of Proof -** The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the Board.

F. **Waiting Period** – No appeal to the Board for the same or a related variance or special exception on the same piece of property shall be allowed for a waiting period of six (6) months (i.e., 180 calendar days) following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the six-month waiting period, been changed or acted upon by the Board or the City Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a variance or special exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent variance or special exception request. Any subsequent variance or special exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

G. **Timeliness of Application for Building Permit or Certificate of Occupancy** – Upon a favorable Board action on a variance or special exception request, the applicant shall apply for a building permit or a certificate of occupancy, as applicable to his/her particular situation, within three (6) months (i.e., 180 calendar days) following the date of Board action, unless the Board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a building permit or certificate of occupancy, as applicable, within the six-month time frame, then the variance or special exception shall be deemed to have been waived, and all rights there under shall be terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original variance or special exception request.

9.9 FINALITY OF DECISIONS; JUDICIAL REVIEW:

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

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SECTION 10 ZONING CHANGES AND AMENDMENTS TO ZONING ORDINANCE OR DISTRICTS AND ADMINISTRATIVE PROCEDURES

10.1 DECLARATION OF POLICY AND REVIEW CRITERIA:

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

1. To correct any error in the regulations or map;

2. To recognize changed or changing conditions or circumstances in a particular locality;

3. To recognize changes in technology, the style of living, or manner of conducting business; or

4. To change the property to uses in accordance with the City's adopted Comprehensive Plan.

B. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and

6. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

10.2 AUTHORITY TO AMEND ORDINANCE:

A. The City Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any amendment to the Zoning Ordinance text or to zoning district boundaries

may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, or may be requested by the owner of real property (or his/her authorized representative).

B. Consideration for a change in any zoning district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or the City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and verification that he/she is acting as an authorized agent for the property owner.

C. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Terrell, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Terrell shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

10.3 APPLICATION:

A. Each application for zoning, rezoning, Planned Development (PD), Specific Use Permit (SUP), or for a text amendment to a provision(s) of this Zoning Ordinance, shall be made in writing on an application form available in the Municipal Development Department office. The application shall be delivered to the Municipal Development Department at least thirty (30) calendar days prior to the date of the public hearing before the Planning and Zoning Commission, and shall be accompanied by payment of the appropriate fee as established by Ordinance. An accurate metes and bounds description of the subject property (or other suitable legal description), a survey (i.e., drawing) exhibit, and other appropriate exhibits (i.e., site plans, maps, architectural elevations, information about proposed uses, etc.) that are determined necessary by the Municipal Development Department shall also be submitted with the zoning application in order to ensure that the request is understood. A Concept Plan, as prescribed in Section 31.A.5 of this Ordinance, shall also be submitted along with any zoning request involving the formation of a Planned Development (PD) district. A Site Plan, as prescribed in Section 31.B.4 of this Ordinance, shall also be submitted along with any zoning request involving a Specific Use Permit (SUP).

B. All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request. In addition to the above required documentation a certificate from the Kaufman County Tax Office verifying that all taxes, liens and judgments have been paid and/or are current must accompany the application.

C. **Official Submission Date and Completeness of Application:**

1. For the purpose of these regulations, the "official submission date" shall be the date upon which a *complete* application for a zoning change request (that contains all elements and

information required by this Ordinance) is submitted to the Municipal Development Department. No application shall be deemed officially submitted until the Municipal Development Department determines that the application is *complete* and a fee receipt is issued by the City. Failure by the Municipal Development Department to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the "official submission date" shall become the 10th calendar day following initial receipt of the application by the City.

2. Zoning applications which do not include all required information and materials (as outlined above and per other City development review policies) will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a Planning and Zoning Commission agenda until the proper information is provided to City staff.

10.4 NOTICE OF PUBLIC HEARING:

A. **Public Hearing for Zoning Changes Involving Real Property:** For zoning and rezoning requests involving real property (including PD and SUP requests), the Planning and Zoning Commission and the City Council shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as amended).

1. Notice of the public hearings to occur before the Planning and Zoning Commission and City Council shall be given together by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) calendar days prior to the date of the first public hearing.

2. Written notice of the public hearing before the Planning and Zoning Commission shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.

B. **Public Hearing for Zoning Changes Involving Ordinance Text:** For requests involving proposed changes to the text of the Zoning Ordinance which do not change zoning district boundaries or zoning classifications on any real property, notice of the public hearings to occur before Planning and Zoning Commission and City Council hearings shall be accomplished by publishing the purpose, time and place of the public hearings in the official newspaper of the City not less than fifteen (15) calendar days prior to the date of the first public hearing. Changes in the Ordinance text that do not change zoning district boundaries (i.e., which do not involve specific real property) and are to be applied city-wide do not require written notification to individual property owners.

D. **Joint Public Hearings:** The City Council may, by ordinance, conduct a joint public hearing on a zoning, rezoning or Zoning Ordinance text amendment request along with the Planning and Zoning Commission, but the City Council shall not take action on the request until it has received a final recommendation from the Commission. Notification for a joint public hearing shall be accomplished by publishing the purpose, time and place of the joint public hearing in the official

newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing. In accordance with Chapter 211.077 of the Texas Local Government Code, the City Council shall prescribe any other necessary methods of notification for joint public hearings.

E. **Additional Rules and Procedures Established:** The City may, at is option, establish additional rules and procedures for public notification of proposed zoning changes and developments proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s). Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

10.5 FAILURE TO APPEAR:

A. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council, at that body's option, to table or deny the application. Such tabling or denial shall not entitle the applicant to any refund of fees paid for consideration of his/her application, unless such refund is requested in writing and is expressly granted by the Commission or City Council at the time of tabling or denial of the application.

10.6 PLANNING AND ZONING COMMISSION CONSIDERATION & RECOMMENDATION

A. **Accordance with Section 8:** The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance and with applicable provisions in the City's Code of Ordinances.

B. **Tabling of the Decision/Recommendation:** The Planning and Zoning Commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than ninety (90) calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice in the newspaper and to surrounding property owners shall not be required.

C. **Recommending Approval:** When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions, or disapproval of the request. The request will then be forwarded to the City Council for public hearing.

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

10.7 CITY COUNCIL AUTHORITY & CONSIDERATION

A. **City Council Authority:** The City Council, after receiving a recommendation by the Planning and Zoning Commission and after public hearings required by law, may amend, supplement, or

change the regulations of this Ordinance or the boundaries of the zoning districts on the Zoning Map.

B. **Applications Forwarded to the City Council:** After consideration by the Planning and Zoning Commission, all zoning applications shall be automatically forwarded to the City Council for a public hearing following appropriate public hearing notification as prescribed in Section 10.3 above.

C. **City Council Action on Zoning, Rezoning or Text Amendment Requests:** After a public hearing is held before the City Council regarding the zoning application, the City Council may:

1. Approve the request in whole or in part (if the City Council approves the request, then Subsection 10.7.E will apply),
2. Deny the request in whole or in part,
3. Table the application to a future meeting (and specifically citing the City Council meeting to which it is tabled), or
4. Remand the application back to the Planning and Zoning Commission for further study.

D. **Protests:** For zoning and rezoning requests involving real property (including PD and SUP requests), a favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or of the land area within two hundred feet (200') of the subject property, in accordance with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "20% rule"). If a protest against such proposed zoning change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200') there from, such zoning change shall not become effective except by a three-fourths (3/4) vote of the full City Council.

E. **Final Approval and Ordinance Adoption:** Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the MD Director (or his/her designee) for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the MD Director or his/her designee. The amending ordinance shall be effective at such time that it is adopted by the City Council, signed by the Mayor, and attested by the City Secretary.

10.8 ADMINISTRATION AND ENFORCEMENT:

A. The MD Director shall be authorized by the City Council to administer and enforce the provisions of this Ordinance. If the MD Director finds upon his/her own personal observation, or upon receipt of a complaint, that the provisions of this Ordinance are being violated, he/she shall immediately investigate and, when necessary, give written notice to the person(s) responsible to cease or correct such violation(s) immediately. Notice may be delivered in person or by certified mail to the violator(s) or to any person owning or leasing a property where the violation is occurring. The MD Director shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this Ordinance.

B. **Stop Work Orders** – Whenever any building or construction work is being done contrary to the provisions of this Ordinance, the Municipal Development Department shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized in writing by the City to proceed with such work. Failure to immediately stop work as provided herein shall constitute a violation of this Ordinance, in accordance with Section 47 (Penalty for Violations), and may incur penalties for such violation.

10.9 SCHEDULE OF FEES, CHARGES AND EXPENSES:

A. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any zoning or development application or on any appeal.

B. The City Council, upon the recommendation of the Planning and Zoning Commission, shall determine and adopt a fee schedule for the purpose of recovering a portion of the administrative costs associated with processing zoning and development requests, including public hearings that are called for in this Ordinance. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the City in the review and processing of applications. Immediately upon receipt of a complete submission for a zoning change or other development plan approval (in accordance with Subsection 10.3C above), the City Secretary (or his/her designee) shall issue a fee receipt and shall create a case file as a permanent City record thereof.

SECTION 11 BUILDING PERMITS; CERTIFICATES OF OCCUPANCY AND COMPLIANCE

11.1 BUILDING PERMITS REQUIRED:

A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the City of Terrell's Municipal Development Department. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a variance or special exception as provided in Subsection 9.6 of this Ordinance. A building permit shall not be issued until the property is properly zoned for the intended use, until the property is platted in accordance with the Subdivision Ordinance, nor until all appropriate plans have been approved by the City (including, but not limited to, a final plat, a detailed plot plan, a final site plan, landscaping and façade plans, building structural plans, or any other documents as required by the Building Official. All Building Permit Plans shall clearly show in detail how the site will be constructed (such as paving, buildings, general physical improvements, improvements that currently exist, distances to property lines, etc.).

11.2 CANCELLATION OF BUILDING PERMIT:

A. Failure of an applicant or any of his/her agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans upon which a building permit was issued, when such failure constitutes a violation of any provision of this Ordinance, shall render such building permit void, and the Building Official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant or his/her agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this Ordinance. All building permits are valid for a period of six (6) months from the date of issue. Extensions shall only be granted upon receipt of a written request from the applicant prior to the expiration date of the original permit.

11.3 CERTIFICATE OF OCCUPANCY:

A. A Certificate of Occupancy shall be required for any of the following:

1. Initial occupancy and use of a new building, new residential structure hereafter erected or structurally altered existing building;

2. Change in tenant or ownership of an existing building or lease space shall require the new occupant to apply for a Certificate of Occupancy before utilities will be released.

2. Change in use of an existing building to a different occupancy or use classification; and

3. Change in the use of land to a different zoning classification.

B. No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Municipal Development Department. The application fee(s) for a Certificate of Occupancy shall be as set forth by ordinance of the City Council.

C. A record of all Certificates of Occupancy shall be kept on file in the Municipal Development Department and copies shall be furnished upon request to any person in accordance with State laws governing public records.

D. **Procedure for New or Altered Buildings -** Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said Certificate shall be issued after the Municipal Development Department orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the Municipal Development Department. Said Certificate shall be issued by the Municipal Development Department after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this Ordinance and all building codes, city ordinances and state regulations as applicable or adopted.

E. **Contents of Certificate of Occupancy -** Every Certificate of Occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) the name and address of the tenant or occupant 5) description of that portion of the building for which the Certificate is issued; 6) a statement that the described portion of the building has been inspected for compliance with the requirements of the International Code Council (ICC) Building Codes as adopted for the particular group and division of occupancy; 7) the name of the Municipal Development Department representative; 8) use(s) allowed; 9) maximum number of persons/occupants; and 10) issue date of Certificate of Occupancy.

F. **Posting of Certificate of Occupancy -** The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Municipal Development Department.

G. **Revocation of Certificate of Occupancy -** The Municipal Development Department may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

11.4 COMPLETION OF BUILDINGS IN PROGRESS:

A. Nothing contained herein shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed as of the effective date of this Ordinance, and the remaining construction of which shall have been completed within one (1) year (i.e., 365 calendar days) following the effective date of this Ordinance. In addition, any nonresidential building or structure for which a building permit has been approved by the City not more than one (1) year (i.e., 365 calendar days) prior to the effective date of this Ordinance may be constructed according to the terms of that building permit.

SECTION 12 CONCEPT PLAN AND SITE PLAN REVIEW PROCESSES

12.1 PLAN REVIEW PROCESS:

A. **Purpose:** This section establishes a plan review process for proposed nonresidential and multi-family residential developments (single-family developments are reviewed under the Subdivision Regulations). The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, adequate parking and loading, sufficient water supply, drainage and storm water management, sanitary facilities, and other utilities and services.

B. **Applicability:** Plan review and approval shall be required for the following:

1. Any new nonresidential development.

2. Any new multi-family development or manufactured home park or subdivision.

3. Any redevelopment, additions, alterations or change in use of existing sites or structures that exceeds 60% of the appraised value of the structures, triggers a requirement for a 10% increase in required parking or materially changes the traffic circulation must undergo plan review approval to verify compliance with all the requirements set forth in this Ordinance.

4. Any redevelopment, renovation, or expansion of a nonconforming use or nonconforming structure must meet all of the criteria as set forth in Section 7 of this Ordinance prior to plan approval and the issuance of a building permit.

C. **Steps for Approval:** The review process may include the following items:

1. Pre-application conference (refer to Section 12.2);
2. Concept Plan and Development Conditions for Planned Developments (refer to Section 31A of this Ordinance),
3. Site Plan for Specific Use Permits (refer to Section 31B),
4. Building Permit Construction Plans (refer to Section 12.3);
3. Construction plat, civil engineering plans, traffic impact analysis study (TIA), flood studies per FEMA required Certified Letter of Map Revision (CLOMR) or other data affecting the construction of the project prior to City approval of all required plans and plats.

B. **Type of Plan Required**:

1. CONCEPT PLAN
   a. Planned Development (PD) applications shall include a concept plan, legal description (survey may be required) and text of the development standards.
   b. All procedural and application requirements are included in Section 31A, Planned Developments.
   c. After staff review of the Planned Development (PD) application including the concept plan a report will be prepared and presented to the Planning and Zoning Commission for consideration at a public hearing with a recommendation forwarded to the City Council for final approval.

2. SITE PLAN

a. A Site Plan shall be required for all Specific Use Permits. All procedural and application requirements are included in Section 31B, Specific Use Permits.
b. A Site Plan may be required for Planned Developments, if a Site Plan is determined to be required at the time of Planned Development approval (see Section 31A).
c. A Site Plan shall be required for all new nonresidential or multi-family developments and redevelopment of existing nonresidential or multi-family sites (as required by Section 12.1.B.3 above) in order to determine that all development requirements of this Ordinance have been met. Upon determination by City Staff that all zoning requirements have been met the applicant will receive approval for the preparation of construction and engineering plans.
d. The approval process for a Site Plan, which is associated with any zoning change request, shall generally be by consideration at a public hearing by the Planning and Zoning Commission with a recommendation forwarded to the City Council for final approval, unless an alternative process is otherwise specified within a zoning district.

3. BUILDING PERMIT PLANS
   a. Building Permit Plans shall be submitted for all development, construction, alterations, renovations as required by the International Building Codes, as adopted, within all zoning districts, whether or not a Concept Plan or Site Plan is required.
   b. A Building Permit Plan shall also be required for any relocation of a nonconforming structure (refer to Section 7.8 of this Ordinance).
   c. All procedural and application requirements are included in Section 12.3.
   d. The approval process for a Building Permit Plan shall generally be review and approval by the Building Official (or his/her designee).

4. GENERAL – For the purposes of this Zoning Ordinance, the term "required plan(s)" is intended to refer to any of the above-listed the plans, as applicable.

C. **Payment of all Indebtedness Attributable to the Subject Property:** No person who owes delinquent taxes, liens, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Terrell or Kaufman County and which are directly attributable to a piece of property shall be allowed to submit any application for any type of plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Terrell or Kaufman County shall have been first fully discharged by payment, or until an arrangement satisfactory to the City or County has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

D. **Official Filing Date, Completeness of Application, Expiration of Application:** The following shall apply to any Concept Plan, Site Plan, and/or Building Permit Plan application submitted in accordance with this Zoning Ordinance.

1. OFFICIAL FILING DATE. The time period established by state law or this Zoning Ordinance for processing or deciding an application shall commence on the official filing date. The official filing date for a required plan application is the date the applicant delivers the application to the City or deposits the application with the United States Postal Service by certified mail addressed to the City.

2. DETERMINATION OF COMPLETENESS. Every required plan application shall be subject to a determination of completeness by the MD Director for processing the application.
    a. No required plan application shall be accepted by the MD Director for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Zoning Ordinance.
    b. The incompleteness of the required plan application shall be grounds for denial the application.
    c. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
    d. A determination of completeness shall be made by the MD Director in writing to the applicant no later than the tenth (10th) business day after the official filing date that the required plan application is submitted to the Municipal Development Department (MDD).
        (1) The applicant shall be notified within that ten-business-day period of the determination of completeness.
        (2) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by Section 10 of the Zoning Ordinance.
        (3) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see Subsection D.3 below) if the documents or other information is not provided.
        (4) A required plan application shall be deemed complete on the eleventh (11th) business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.

3. EXPIRATION OF APPLICATION. If the required plan application is not completed by the forty-fifth (45th) day after the application is submitted to the responsible official, the plan application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications. The required plan application shall also expire on the forty-fifth (45th) day after the date the application is filed if each of the following occurs:
    a. The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the required plan application;
    b. The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
    c. The applicant fails to provide the specified documents or other information within the time provided in the notification.

4. If the required plan application is re-submitted after a notification of incompleteness, the timeframe for a determination of completeness described above (see Subsection D.2 above) shall begin on the date of the re-submittal of the plan application.

E. **Supplemental Requirements:** The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

12.2 PRE-APPLICATION CONFERENCE

A. Prior to formal application for approval of any required plan, the applicant(s) may request a pre-

application conference with the Director of Municipal Development, the Building Official, the City's Engineer, and any other pertinent City official(s) in order to become familiar with the City's development regulations and the development process.

12.3 BUILDING PERMIT PLAN:

A. **Purpose:** The purpose of a Building Permit Plan is to ensure that development projects are in compliance with all applicable City ordinances and guidelines prior to commencement of construction.

B. **Applicability:** This Section establishes a review process for all development within zoning districts in which a Concept Plan and/or Site Plan is not required. Submission and approval of a Building Permit Plan shall be required for all development within all zoning districts in which a Site Plan or Concept Plan is not required.

C. **Building Permit & Certificate of Occupancy:** A Building Permit Plan shall be submitted in conjunction with a building permit application. No building permit shall be issued until a Building Permit Plan and all other required engineering/construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Building Permit Plan and engineering/construction plans, as approved by the City.

D. **Extent of Area That Should Be Included In a Building Permit Plan:** When the overall development project is to be developed in phases, the area included within the Building Permit Plan shall include only the portion of the overall property that is to be developed/constructed.

E. **Procedures & Submission Requirements for Building Permit Plan Approval:** All Building Permit Plans shall clearly show in detail how the site will be constructed (such as paving, buildings, general physical improvements, improvements that currently exist, distances to property lines, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.

F. **Review & Approval of a Building Permit Plan:**

1. CITY STAFF REVIEW & APPROVAL OF BUILDING PERMIT PLANS
    a. Following submittal of a complete application of a Building Permit Plan in accordance with Section 12.1.D, the City shall review the application. Specifically, the Director of Municipal Development, City Engineer, and the Building Official (or their designee) shall review the Building Permit Plan.
    b. Each Building Permit Plan shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.
    c. Following City staff review, the Director of Municipal Development shall approve, approve subject to certain conditions, or deny the Building Permit Plan.

G. **Revisions to the Approved Building Permit Plan:**

1. MINOR REVISIONS/AMENDMENTS
    a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Building Permit Plan. In such cases, the

Director of Municipal Development, or his/her designee, shall have the authority to approve minor modifications to an approved Building Permit Plan. Such minor modifications shall be submitted as an "Amended Building Permit Plan," which shall substantially conform to the previously approved Building Permit Plan.

b. Submission materials and requirements for approval of an Amended Building Permit Plan shall be as determined by the Director of Municipal Development, or his/her designee.

2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Building Permit Plan must be resubmitted, reviewed, and approved by the Director of Municipal Development (or his/her designee). Any new Building Permit Plan shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

H. **Effect of Review/Approval:** The Building Permit Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

I. **Validity & Lapse of Building Permit Plan Approval:** A Building Permit Plan shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).

1. VALID FOR TWO YEARS: Any approved Building Permit Plan shall be deemed expired two (2) years from the date on which the Building Permit Plan was originally approved if no progress has been made toward completion of the project.

2. PROGRESS BENCHMARKS: The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:

a. Plans for construction and an application for a building permit for at least one of the buildings on the approved Building Permit Plan are submitted within two (2) years following approval of the Building Permit Plan.

b. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;

c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;

d. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or

e. Utility connection fees or impact fees for the project have been paid to the City.

3. EXPIRATION: At least one (1) of the items in Subsection 2.a through 2.e must be accomplished within the two-year period of approval. If at least one (1) of the items listed in Subsection 2.a through 2.e above is not accomplished within the two-year period, then the approved Building Permit Plan shall expire and shall become null and void.

4. EXTENSION & REINSTATEMENT PROCEDURE:

a. Prior to the lapse of approval for a Building Permit Plan, the applicant may petition the City in writing to extend the Building Permit Plan approval.

b. Such petition shall be granted approval or denial by the Director of Municipal Development (or his/her designee).
c. If no petition is submitted, then the Building Permit Plan shall be deemed to have expired and shall become null and void. Any new request for Building Permit Plan approval shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
d. In determining whether to grant a request for extension, the Director of Municipal Development (or his/her designee) shall take into account:
    i. The reasons for the lapse,
    ii. The ability of the property owner to comply with any conditions attached to the original approval, and
    iii. The extent to which development regulations would apply to the Site Plan at that point in time.

III. ZONING DISTRICTS

SECTION 13 ZONING DISTRICTS ESTABLISHED

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

Abbreviated Designation	Zoning District Name
Base Districts	
AG	Agricultural
SF-16	Single-Family Residential-16 (minimum 16,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-7.5	Single-Family Residential-7.5 (minimum 7,500 square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000 square-foot lots)
TH-12	Townhouse Residential-12 (Patio Homes – Zero Lot Line, Single-Family Attached, Two-Family Duplex)
MF-22	Multi-Family Residential-22 (apartments)
MH	Manufactured Home
O	Office
NS	Neighborhood Service
R	Retail
CBD	Central Business District
C	Commercial
LI	Light Industrial
Overlay Districts	
PD	Planned Development
SUP	Specific Use Permit

13.2 A summary of the area regulations for the above zoning districts is included within Table 13-1in this section.

13.3 Certain terms and definitions used within this Ordinance can be found in Section 44.

TABLE 13-1 SUMMARY OF ZONING DISTRICT REGULATIONS
City of Terrell, Texas

This is a chart for general comparison purposes only and is incomplete. For complete requirements see the body of the Zoning Ordinance.

District	Minimum Lot Area	Minimum Dwelling Unit Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Rear Yard*	Minimum Side Yard*	Max. Height of Building	Maximum Impervious Cover
AG	1 Acre	1,500 Sq. Ft.	100 Ft.	150 Ft.	60 Ft.	25 Ft.	20 Ft.	3 stories/ 45 Ft.	60%
SF-16	16,000 Sq. Ft.	2,000 Sq. Ft.	100 Ft.	125 Ft.	30 Ft.	25 Ft.	10 Ft.	2.5 stories/ 36 Ft.	60%
SF-10	10,000 Sq. Ft.	1,800 Sq. Ft.	80 Ft.	125 Ft.	30 Ft.	25 Ft.	8 Ft.	2.5 stories/ 36 Ft.	60%
SF-7.5	7,500 Sq. Ft.	1,500 Sq. Ft.	70 Ft.	100 Ft.	25 Ft.	20 Ft.	6 Ft.	2.5 stories/ 36 Ft.	60%
SF-6	6,000 Sq. Ft.	1,200 Sq. Ft.	60 Ft.	100 Ft.	25 Ft.	15 Ft.	5 Ft.	2.5 stories/ 36 Ft.	60%
TH-12 (PH, SFA,2F)	PH- 4,500 sf SFA – 3,000 sf 2F – 3,500 sf	900 Sq. Ft.	PH – 45' SFA – 30' 2F – 35'	100 Ft.	25 Ft.	15 Ft.	PH - 0-10' SFA – 5' 2F – 5'	2.5 stories/ 36 Ft.	60% Max. – 12 D.U./acre
MF-22	1 acre 1,980 Sq.Ft./ Unit	550sf-Effic'y. 600sf-1 B.R. 800sf-2 B.R. 1,000sf-3 B.R.	100 Ft.	100 Ft.	25 Ft.	15 Ft.	15 Ft.	3 stories/ 45 Ft.	60% Max. – 22 D.U./acre
MH	Min.–5 Ac Max.–15 Ac 4,500 Sq.Ft. Per Lot	1,200 Sq. Ft.	45 Ft.	100 Ft.	25 Ft./ 15 Ft.	10 Ft./ 20 Ft. between Districts	10Ft./ 20 Ft. between units	2.5 stories/ 36 Ft.	60%
O	6,000 Sq. Ft.	N/A	60 Ft.	100 Ft.	25 Ft.	15 Ft.	15 Ft.	4 stories/ 50 Ft.	80%
NS	7,500 Sq. Ft.	N/A	75 Ft.	100 Ft.	25 Ft.	15 Ft.	15 Ft.	2 stories/ 35 Ft.	80%
R	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	15 Ft.	15 Ft.	2stories/ 35 Ft.	80%
CBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4 stories/ 50 Ft.	100%
C	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	15 Ft.	15 Ft.	2 stories/ 35 Ft.	90%
LI	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	10 Ft.	10 Ft.	120 Ft.	90%

*Note: See text of the Ordinance for additional or supplemental requirements. Additional setback distance for side and rear yards is required for corner lots, when adjacent to a street, or adjacent to a residential district, etc.

SECTION 14 AGRICULTURAL (AG) DISTRICT

14.1 GENERAL PURPOSE AND DESCRIPTION:

The Agricultural (AG) District is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agricultural until it is assigned another zoning district. It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification in the future. The Agricultural District is also appropriate for areas where development is premature due to lack of utilities or City services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the AG zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.

14.2 PERMITTED USES:

A. Those uses listed for the AG-Agricultural district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

14.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Three (3) stories, and not to exceed forty-five feet (45'), for the main building/house.
   2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, or any front, side or rear property line
   3. Twenty-five feet (25') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
   4. Other requirements (see Section 38).

14.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** - One (1) acre (i.e., 43,560 square feet)
   2. **Minimum Lot Width** - One hundred feet (100')
   3. **Minimum Lot Depth** - One hundred and fifty feet (150')

B. **Size of Yards**:
   1. **Minimum Front Yard** - Sixty feet (60')
   2. **Minimum Side Yard** – Twenty feet (20') for interior side yard; twenty-five feet (25') for a corner lot on a street.
   3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. **Parking Regulations**

1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20'). Driveways that exceed fifty feet (50') in length may be constructed of crushed rock in lieu of asphalt or concrete.

2. **Other** - See Section 33, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – One thousand five hundred (1,500) square feet of air-conditioned floor area.

E. **Minimum Exterior Construction Standards** – See Section 37.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

14.5 **SPECIAL REQUIREMENTS**:

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools - See Section No. 42.

F. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

H. **Other Regulations** – As established in the Development Standards, Sections 33 – 44.

SECTION 15 *(Reserved)*

SECTION 16 SINGLE-FAMILY RESIDENTIAL-16 (SF-16) DISTRICT

16.1 GENERAL PURPOSE AND DESCRIPTION:

The Single-Family Residential-16 (SF-16) District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 16,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-16 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

16.2 PERMITTED USES:

A. Those uses listed for the SF-16 district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

16.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
   3. Other requirements (see Section 38).

16.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area -** Sixteen thousand (16,000) square feet
   2. **Minimum Lot Width** – One hundred feet (100')
   3. **Minimum Lot Depth -** One hundred twenty-five feet (125')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Thirty feet (30')
   2. **Minimum Side Yard** – Ten feet (10') for interior side yard; twenty feet (20') for a non-key corner lot; thirty feet (30') for a key corner lot on a street.
   3. **Minimum Rear Yard** – Twenty-five feet (25') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall

be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').

2. **Other** - See Section 33, Off-Street Parking and Loading Regulations.

E. **Minimum Floor Area per Dwelling Unit** – Two thousand (2,000) square feet of air-conditioned floor area.

F. **Minimum Exterior Construction Standards** – See Section 37.

G. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

16.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools - See Section 42.

F. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

H. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

SECTION 17 SINGLE-FAMILY RESIDENTIAL-10 (SF-10) DISTRICT

17.1 GENERAL PURPOSE AND DESCRIPTION:

The Single-Family Residential-10 (SF-10) District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 10,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-10 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

17.2 PERMITTED USES:

A. Those uses listed for the SF-10 district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

17.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
   3. Other requirements (see Section 38).

17.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area -** Ten thousand (10,000) square feet
   2. **Minimum Lot Width** – Eighty feet (80')
   3. **Minimum Lot Depth -** One hundred twenty-five feet (125')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Thirty feet (30')
   2. **Minimum Side Yard** – Eight feet (8') for interior side yard; fifteen feet (15') for a non-key corner lot on a street; thirty feet (30') for a key corner lot on a street.
   3. **Minimum Rear Yard** – Twenty-five feet (25') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').
   2. **Other -** See Section 33, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – One thousand and eight hundred (1,800) square feet of air-conditioned floor area.

E. **Minimum Exterior Construction Standards** – See Section 37.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

17.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools - See Section No. 42.

F. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

H. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

SECTION 18 SINGLE-FAMILY RESIDENTIAL-7.5 (SF-7.5) DISTRICT

18.1 GENERAL PURPOSE AND DESCRIPTION:

The Single-Family Residential-7.5 (SF-7.5) District is intended to provide for development of primarily detached, single-family residences on smaller and more compact lots of not less than 7,500 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-7.5 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

18.2 PERMITTED USES:

A. Those uses listed for the SF-7.5 district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

18.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
   3. Other requirements (see Section 38).

18.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Seven thousand and five hundred (7,500) square feet
   2. **Minimum Lot Width** - Seventy feet (70')
   3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty-five feet (25')
   2. **Minimum Side Yard** – Six feet (6') for interior side yard; ten feet (10') for a non-key corner lot on a street; twenty-five feet (25') for a key corner lot on a street.
   3. **Minimum Rear Yard** – Twenty feet (20') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 35 for exceptions.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').

2. **Other -** See Section 33, Off-Street Parking and Loading Regulations

E. **Minimum Floor Area per Dwelling Unit** – One thousand five hundred (1,500) square feet of air-conditioned floor area.

F. **Minimum Exterior Construction Standards** – See Section 37.

G. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

18.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools – See Section 42.

F. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

H. **Other Regulations -** As established in the Development Standards, Sections 33 – 44.

SECTION 19 SINGLE-FAMILY RESIDENTIAL-6 (SF-6) DISTRICT

19.1 GENERAL PURPOSE AND DESCRIPTION:

The Single-Family Residential-6 (SF-6) District is intended to provide for development of primarily detached, single-family residences on small, compact lots of not less than 6,000 square feet in size in logical neighborhood units. Areas zoned for the SF-6 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

19.2 PERMITTED USES:

A. Those uses listed for the SF-6 district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

19.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
   3. Other requirements (see Section 38).

19.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** - Six thousand (6,000) square feet
   2. **Minimum Lot Width** - Sixty feet (60')
   3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty-five feet (25')
   2. **Minimum Side Yard** – Five feet (5') for interior side yard; ten feet (10') for a non-key corner lot on a street; twenty-five feet (25') for a key corner lot on a street.
   3. **Minimum Rear Yard** - Fifteen feet (15') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 35 for exceptions.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – New development - A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure with a paved driveway having a minimum length of twenty feet (20') as measured from the street or alley right-of-way line to the garage face. Infill redevelopment (platted prior to the adoption date of this ordinance) – A minimum of two (2) spaces one of which shall be

enclosed or covered (carport) with a paved driveway having a minimum length of twenty feet (20') as measured from the street or alley right-of-way line to the garage door or support posts.

2. **Other -** See Section 33, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – One thousand two hundred (1,200) square feet of air-conditioned floor area.

E. **Minimum Exterior Construction Standards** – See Section 37.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

19.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools Section 42.

F. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

H. **Other Regulations -** As established in the Development Standards, Sections 33 – 44.

SECTION 20 TOWNHOUSE RESIDENTIAL (TH) DISTRICT – PATIO HOMES (Zero-Lot-Line), SINGLE-FAMILY ATTACHED (Townhomes), and TWO-FAMILY (Duplexes)

20.1 GENERAL PURPOSE AND DESCRIPTION:

The Townhouse Residential (TH) District is designed to provide for flexible development of primarily attached single-family residences or zero-lot-line homes in order to preserve open space or natural areas on more compact lots (clustering) that produce environmentally and pedestrian friendly communities that are based on "Smart Growth" principles. Townhome developments shall be arranged in a clustered lot pattern with either a common usable open space system that is an integral part of the development or having large yards resembling single-family detached neighborhoods.

20.2 PERMITTED USES:

A. 1. Those uses specified in Section 32 (Use Charts).

2. Single-family detached dwellings (must meet all requirements of SF-6 zoning).

3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 31B.

20.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
1. Two and one-half (2.5) stories, and not exceed thirty-six feet (36') for the main building/house.
2. One (1) story for accessory buildings.
3. Other (see Section 35).

20.4 AREA REGULATIONS:

A. **Size of Lots**:

1. **Maximum Density** – twelve (12) units per gross acre of land within the development.
2. **Minimum Project Size** – five (5) acres, except in the Central Business District (CBD) where the minimum project size shall be 20,000 square feet.
3. **Maximum Project Size** – fifteen (15) acres.
4. **Minimum Lot Area** –
   Patio Home (Zero-Lot-Line) - 4,500 sq. ft.
   5,000 sq. ft. corner lot w/zero lot line
   6,000 sq. ft. corner lot w/o zero lot line (same as SF-6)
   Single Family Attached (Townhome) – 3,000 sq. ft. interior unit w/o side yard
   3,500 sq. ft. exterior unit w/ side yard
   4,500 sq. ft. corner lot
   Two-Family (Duplex) – 3,500 sq. ft. per dwelling unit
   4,500 sq. ft. if unit is on corner lot
5. **Minimum Lot Width** – Thirty feet (30'); Thirty-Five feet (35'); Forty-Five feet (45'); Fifty feet (50'); or sixty feet (60') respectively
6. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards**:

1. **Minimum Front Yard** - Twenty-five feet (25')

2. **Minimum Side Yard** – Patio Homes - One (1) side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street; and twenty feet (20') required on a corner lot adjacent to an arterial street; Townhomes and Duplexes – a side yard minimum of five (5') feet on exterior units to create a minimum separation of ten (10') feet between buildings, fifteen feet (15') on corner lots adjacent to a street.

3. **Minimum Rear Yard** - Fifteen feet (15') for the main building; twenty-five feet (25') from a garage to an alley; ten feet (10') from a main building to an accessory building. Accessory buildings (other than garages) maybe placed three feet (3') from rear or side property line. (See Section 35 for additional accessory building requirements)

C. **Maximum Lot Coverage**: Forty percent (40%) by main buildings; not to exceed sixty percent (60%) total impervious area including accessory buildings, driveways and parking areas.

D. **Minimum Exterior Construction Standards –** See Section 37

E. **Parking Regulations**:

1. **Each Dwelling Unit** - A minimum of two (2) parking spaces one of which must be enclosed and placed behind the front building line and on the same lot as the main structure. Carports are only allowed in lieu of an enclosed garage on in-fill lots (platted prior to the adoption of this ordinance) in which existing neighboring homes were predominantly constructed without garages.

2. **Alleys –** Each attached dwelling unit within the TH-12 District shall be rear-entry only from an alley that is constructed along with the rest of the subdivision (i.e., at the same time as the streets, utilities, etc.) and that is in conformance with the City's design standards for alleys (see Subdivision Ordinance).

3. Patio homes or single-family detached homes within this district are allowed to have front-loaded garages. Side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty feet (20') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty feet (20').

4. **Other** - (See Section 33, Off-Street Parking and Loading Requirements)

F. **Minimum Floor Area per Dwelling Unit** – Nine hundred (900) square feet.

20.5 OPEN SPACE REQUIREMENTS:

A. **Usable Open Space Requirements** - Except as provided below, any townhouse subdivision shall provide useable open space (not flood plain) which equals or exceeds ten (10%) percent of the gross platted area, rights-of-way for collector and larger sized streets. Useable open space shall not be required for a development if it contains forty (40) or fewer lots or dwelling units, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by

zoning to not permit patio home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. All developments with more than forty (40) dwelling units will provide useable open space at the rate of 500 square feet per unit with a minimum of 20,000 square feet.

B. **Specific Criteria for Usable Open Space -** Areas provided as usable open space shall meet the following criteria:

1. All Townhome residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.

2. Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten (10%) percent. At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may give full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and/or the surrounding area.

3. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.

4. Within useable open space areas, there shall be at least one (1) tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper.

5. A useable open space area must have at least 250 feet of street frontage to ensure that the area is accessible to residents of the subdivision.

6. Useable open space areas must be easily viewed from adjacent streets and homes.

C. **Credit for Off-Site Open Space -** At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may allow up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Planning and Zoning Commission and/or City Council. The guidelines below may assist in considering if credit is appropriate:

1. **Adjacency -** Is at least fifteen (15%) percent of the townhouse district development's boundary adjacent to park land?

2. **Accessibility -** Are there defined pedestrian connections between the development and the park land?

3. **Usability** - Is the park land immediately adjacent to the development suitable for use by residents?

4. **Design Integration** - Does the design of the development provide a significant visual and pedestrian connection to the park land?

D. **Landscaped Areas** - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

20.6 SPECIAL REQUIREMENTS:

A. On zero-lot-line Patio Homes a minimum six foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24") inches.

B. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land, open space and/or facilities.

C. **Refuse Facilities** - Every single-family attached dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 36.2(F) of this Ordinance.

D. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

E. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

G. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.

H. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

I. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2") inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

J. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

K. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

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SECTION 21 MULTI-FAMILY RESIDENTIAL-22 (MF-22) DISTRICT (APARTMENTS)

21.1 GENERAL PURPOSE AND DESCRIPTION:

The Multi-Family Residential-22 (MF-22) District is an attached residential district intended to provide the highest residential density of up to twenty-two (22) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MF-22 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

21.2 PERMITTED USES:

A. Those uses listed for the MF-22 district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

21.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Three (3) stories, and not to exceed forty-five feet (45'), for the main building(s).
   2. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
   3. Other requirements (see Section 38).

21.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – One thousand nine hundred eighty (1,980) square feet per dwelling unit, not to exceed twenty two (22) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be one (1) acre, maximum project size shall not exceed fifteen (15) acres.
   2. **Minimum Lot Width** - One hundred feet (100')
   3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards. See Section 38 for additional setback requirements.
   2. **Minimum Side and Rear Yard** - Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
      a. One-story building – twenty-five feet (25')
      b. Two-story building – fifty feet (50')

c. Over two-story building – seventy-five feet (75’)

3. **Building Separation:**
   a. One-story buildings - Fifteen feet (15') for buildings without openings; twenty feet (20’) for buildings with openings
   b. Two-story buildings (or a two-story building adjacent to a one-story building) - Twenty feet (20') for buildings without openings; twenty-five feet (25’) for buildings with openings
   c. Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) - Twenty-five feet (25') for buildings with or without openings
   d. Between a main building and an accessory building – ten feet (10’)

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

D. **Maximum Impervious Surface Coverage** – Sixty percent (60%) total impervious area including main buildings, accessory buildings, driveways and parking areas.

E. **Parking Regulations**:
   1. 1.5 spaces for each efficiency or one-bedroom unit
   2. 2 spaces for each two-bedroom unit
   3. 2.5 spaces for each three-bedroom unit
   4. 3 spaces for each four- or more-bedroom unit
   5. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
   6. No parking space may be located closer than six feet (6’) from any building, nor closer than two feet (2’) from any side or rear lot line.
   7. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, low masonry walls that match the exterior finish of main buildings, or any combination of the above.
   8. See Section 33, Off-Street Parking and Loading Requirements, for additional requirements.

F. **Minimum Exterior Construction Standards** – See Section 37.

21.5 SPECIAL REQUIREMENTS:

A. **Landscape Area Requirements** – See Section 34 for landscaping requirements.

B. **Refuse Facilities** - Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 36.2(F) of this Ordinance. (See Illustration 36-1 and 36-2 for refuse container enclosure diagrams).

C. **Screening Requirements** – See Section 36 for screening requirements.

D. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-7.5 or TH-12 district standards, respectively.

E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

F. Open storage is prohibited.

G. All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).

H. A four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles.

I. Buildings shall not exceed two hundred feet (200') in length.

J. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

K. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

L. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.

M. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards. All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

N. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets (see the Subdivision Ordinance).

O. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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SECTION 22 *(Reserved)*

SECTION 23 MANUFACTURED HOME (MH) DISTRICT

23.1 GENERAL PURPOSE AND DESCRIPTION:

The Manufactured Home (MH) District is a detached residential district establishing standards for the development of HUD-code manufactured home parks and subdivisions. HUD-Code manufactured home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured home units. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. The Manufactured Home District establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

23.2 PERMITTED USES:

A. Those uses listed for the MH district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

23.3 AREA REGULATIONS:

A. **Size of Yards** (for each space within manufactured home park or subdivision):
   1. **Minimum Front Yard -** Twenty-five feet (25') from a dedicated street; fifteen feet (15') from any private street or drive. See Section 38 for additional setback requirements.
   2. **Minimum Side Yard -** Ten feet (10'); twenty feet (20') between units; twenty feet (20') from zoning district boundary line; fifteen feet (15') for a corner lot on a residential or collector street, and twenty feet (20') for a corner lot on an arterial street
   3. **Minimum Rear Yard -** Ten feet (10'); twenty feet (20') from any zoning district boundary line
   4. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from any property or street right-of-way line

B. **Size of Space** (for each space within a manufactured home park):
   1. **Minimum Lot Area -** Four thousand five hundred (4,500) square feet per unit
   2. **Minimum Lot Width** – Forty-five feet (45')
   3. **Minimum Lot Depth** – One hundred feet (100')

C. **Minimum Floor Area per Dwelling Unit**: Twelve hundred (1,200) square feet.

D. **Maximum Lot Coverage**: Fifty percent (50%) for main building/unit plus any accessory buildings.

E. **Parking Regulations**: Two (2) spaces per unit located on the same lot as the unit served (see Section 33, Off-Street Parking and Loading)

F. **Area for Manufactured Home Park** – Minimum project area five (5) acres; maximum project area fifteen (15) acres.

G. **Maximum Height Limit**:
1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. One story for other accessory buildings, including detached garages, carports, management office, clubhouse, gazebo, mail kiosks, etc.
3. Other requirements (see Section 38).

I. **Minimum Exterior Construction Standards** – None (manufactured homes only – all other structures shall conform with Section 37).

J. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

K. **Development Standards:**
1. All units shall be at least twenty-four feet (24') wide (e.g., "double-wide). As of the effective date of this Ordinance all single-wide units shall be deemed nonconforming and shall not be brought into the City to occupy an existing vacant lot or to occupy a newly platted lot.
2. A pitched roof having a minimum of 4:12 is required with a minimum six-inch (6") overhang.
3. Manufactured housing design and construction will comply with manufactured housing construction and safety standards published by the Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (Vernon's Annotated Civil Statutes Art. 5221f, as amended) and all manufactured housing will be subject to inspection by the Building Official, or his designee.
4. All manufactured housing within the City shall be anchored on a permanent concrete foundation in accordance with Federal guidelines as stated in the "Permanent Foundation Guide for Manufactured Housing" (HUD 7584). Any additions to the original structure, such as rooms, storage, or garages shall be constructed on a solid concrete slab.
5. Covered porches, patios and decks shall be constructed on-site, and shall not be located closer than five (5') feet from any property line.
6. Axles and tongues shall be removed, such that the manufactured housing unit becomes permanently placed upon the site.
7. Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structure.

23.4 SUPPLEMENTAL REQUIREMENTS FOR MANUFACTURED HOME PARKS:

A. **Tenant Parking -** Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (see Section 33, Off-Street Parking and Loading Requirements).

B. **Visitor and Supplemental Parking** - In addition to parking spaces required for each manufactured home unit, there shall be paved parking provided for the manufactured home community in general (see Section 33, Off-Street Parking and Loading Requirements):

1. Two (2) visitor parking space for every three (3) manufactured home spaces.

2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured home spaces.

3. Supplemental spaces may be located anywhere within the manufactured home community provided that no manufactured home space shall be situated further than one hundred fifty feet (150') from a visitor space.

4. Each parking space will be not less than nine feet by twenty feet (9' x 20'), which is not to be included in the lot size.

C. **Access -** Each manufactured home community shall have direct access from an improved public street in accordance with the Subdivision Ordinance. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Fire lane easements shall be maintained by the manufactured home park.

Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets (see Subdivision Ordinance).

D. **Walkways -** Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.

E. **Street Names and Signs -** Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the Municipal Development Department along with the construction plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and the City Council on the construction plat for the subdivision. The street names shall be set with construction plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the Municipal Development Department.

F. **Other Signs -** Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

G. **Intersections -** Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.

H. **Street Lighting -** Street lighting within the manufactured home park shall be provided in accordance with the Subdivision Regulations, and shall be maintained by the owners of the manufactured home park.

I. **Electric and Telephone Service -** All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.

J. **Drainage and Soil Protection -** The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

K. **Fire Fighting**:

1. Approaches to all manufactured homes shall be kept clear for fire fighting.

2. The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within three hundred feet (300') of all manufactured home spaces, measured along the drive or street.

3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.

L. **Refuse Facilities -** Every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 36.2(F) of this Ordinance. (See Illustration 36-1 and 36-2 for refuse container enclosure diagrams).

M. **Anchorage of Manufactured Homes -** To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the Building Code and State law.

N. **Skirting**:

1. All manufactured home units shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

2. All required skirting shall be masonry, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

23.5 **SPECIAL REQUIREMENTS:**

A. Single-family, townhouse residential units constructed in this district shall conform to SF-6 or TH-12 district standards, respectively.

B. Open storage is prohibited.

C. **Usable Open Space Requirements** – Except as provided below, any manufactured home development shall provide useable open space that equals or exceeds ten percent (10%) of the total land area within the development. Usable open space areas shall be in conformance with Subsections 20.5.

D. One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds.

E. Site Plan submission and approval (see Section 31.B.4) shall be required for any manufactured home park in the MH district. Such Site Plan approval shall not require a public hearing as required by Section 31.B.4.E. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.

F. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

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SECTION 24 OFFICE (O) DISTRICT

24.1 GENERAL PURPOSE AND DESCRIPTION:

The Office (O) District is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.

24.2 PERMITTED USES:

A. Those uses listed for the O district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

24.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s) when adjacent to any residential district; otherwise four (4) stories, and not to exceed fifty feet (50').
   2. One (1) story for accessory buildings.
   3. Other (see Section 38).

24.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** - Six thousand (6,000) square feet
   2. **Minimum Lot Width** - Sixty feet (60')
   3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** - Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 38 for additional setback requirements)
   2. **Minimum Side and Rear Yard** - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height.

C. **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

E. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.

F. **Minimum Exterior Construction Standards** – See Section 37.

24.5 **SPECIAL DISTRICT REQUIREMENTS**:

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
   1. Arterial street – One driveway per two hundred (200) linear feet of frontage
   2. Collector street – One driveway per one hundred (100) linear feet of frontage
   3. Local street – One driveway per fifty (50) linear feet of frontage

B. **Landscaping Requirements** – See Section 34.

C. **Screening Requirements** – See Section 36.

D. Open storage and outside display are prohibited.

E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

F. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

SECTION 25 NEIGHBORHOOD SERVICE (NS) DISTRICT

25.1 GENERAL PURPOSE AND DESCRIPTION:

The Neighborhood Service (NS) District is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The NS district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas.

25.2 PERMITTED USES:

A. Those uses listed for the NS district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

25.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (See Section 38).

25.4 AREA REGULATIONS:

A. **Size of Lot**:
   1. **Minimum Lot Area** - Seven thousand five hundred (7,500) square feet
   2. **Minimum Lot Width** - Seventy-five feet (75')
   3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** - Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 38 for additional setback requirements)
   2. **Minimum Side and Rear Yard** - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the International Building Code as adopted.
   4. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height

C. **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

E. **Maximum Building Size** - The maximum building foot print (first floor) area of a structure shall not exceed 12,000 square feet.

F. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.

G. **Minimum Exterior Construction Standards** – See Section 37.

25.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
   1. Arterial street – One driveway per two hundred (200) linear feet of frontage
   2. Collector street – One driveway per one hundred (100) linear feet of frontage
   3. Local street – One driveway per fifty (50) linear feet of frontage

B. **Landscaping Requirements** – See Section 34.

C. **Screening Requirements** – See Section 36.

D. Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

   1. Shall not be placed/located more than thirty feet (30') from the main building.

   2. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

   3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

   4. Shall not extend into public right-of-way or onto adjacent property.

   5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

   6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

E. Open storage is prohibited.

F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

G. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

SECTION 26 RETAIL (R) DISTRICT

26.1 GENERAL PURPOSE AND DESCRIPTION:

The Retail (R) District is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

26.2 PERMITTED USES:

A. Those uses listed for the R district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

26.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (Section 38).

26.4 AREA REGULATIONS:

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

B. **Size of Yards**:
   1. **Minimum Front Yard -** Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 38 for additional setback requirements)
   2. **Minimum Side and Rear Yard -** Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Interior Side Yards -** When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
   4. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height.

C. **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

E. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.

F. **Minimum Exterior Construction Standards** – See Section 37.

26.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
   1. Arterial street – One driveway per two hundred (200) linear feet of frontage
   2. Collector street – One driveway per one hundred (100) linear feet of frontage
   3. Local street – One driveway per fifty (50) linear feet of frontage

B. **Landscaping Requirements** – See Section 34.

C. **Screening Requirements** – See Section 36.

D. **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

   1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.

   2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

   3. Shall not extend into public right-of-way or onto adjacent property.

   4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

   5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

   6. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

E. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property). However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection D above).

F. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

G. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

SECTION 27 CENTRAL BUSINESS DISTRICT (CBD)

27.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the Central Business District (CBD) are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the City in a "pedestrian friendly" environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the City. They are also intended to preserve and enhance the community's "small town" heritage and the unique character of the City's original business district.

27.2 PERMITTED USES:

A. Those uses listed for the CBD district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

27.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Four (4) stories for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (Section 38).

27.4 AREA REGULATIONS:

A. **Size of Lot:**
   1. **Minimum Lot Area -** none specified
   2. **Minimum Lot Width -** none specified
   3. **Minimum Lot Depth -** none specified

B. **Size of Yards:**
   1. **Minimum Front Yard -** none specified
   2. **Minimum Side Yard -** none specified
   3. **Minimum Rear Yard -** none specified

C. **Maximum Lot Coverage** – one hundred percent (100%) including main and accessory buildings

D. **Maximum Floor-Area-Ratio (FAR)** – four to one (4:1)

E. **Parking Requirements**: No on-site parking shall be required within this district. However, if on-site parking is provided, all parking areas shall conform to the requirements of Section 33.3.

27.5 DESIGN CRITERIA

A. **Purpose**
Terrell's downtown Central Business District (CBD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of

existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of the CBD.

B. **Goals**

1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the Central Business District shall be the primary consideration in the development design review.
2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the CBD shall be considered as a high priority in the future development of the CBD.
3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.
4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

C. **General Provisions**

1. Site plan and design review is required for new construction and substantial renovation of existing buildings within the Central Business District. Substantial renovation means:
   a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
   b. An increase in the floor area of the building greater than 10 percent.
2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review). However, all renovation work does require a valid building permit and may require an asbestos survey prior to the start of construction.
3. Physical properties of an existing building such as setbacks, foot prints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.

D. **Mixed Use Criteria**

1. The Central Business District may contain any combination of uses shown in the Use Chart in Section 32 (Use Charts).
2. Within the CBD there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
   a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than 50 percent of the floor area of the building; and do not occupy the area adjacent to the street front.
   b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.

c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.

d. In block faces within the Central Business District that are currently developed with commercial structures, new construction shall be compatible commercial structures.

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

E. **Central Business District Development and Design Standards**

1. All properties must meet requirements provided in this section for Site Design, and Architectural Standards.

2. **Purpose of Central Business District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.

   a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.

   b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Terrell, ensure new construction is compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.

3. **Design Standards Review.** All new development shall comply with the Site Design Standards included in Subsection 27.4, and the Architectural Standards in Subsection 27.5 below.

4. **Site Design Standards**

   a. **Building Placement - Commercial Structures**

      (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than 50 percent of the block face.

      (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.

      (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen (15') feet minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet to provide for wider sidewalks and entries when the side property line is along a street.

      (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.

      (5) All service areas, dumpsters and loading shall be from the rear of the building or alley.

5. **Architectural Design Standards**

a. **Street Facade – Commercial Structures**

(1) Primary street facades for nonresidential buildings in the Central Business District shall have the following basic features of existing historic buildings:

(a) Cornice at top of facade;

(b) Display windows with transom windows above and lower window panels below.

(c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.

(d) Second floor windows, recessed with multiple lights, lintels, and sills.

(2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown.

(3) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:

(a) Street facades on side streets that meet the requirements for primary facades; or

(b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or

(c) Pediments added to the top of the facade; or

(d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or

(e) Use of natural wooden doors with glass windows; or

(f) Projecting canopies and or awnings placed over the ground floor windows and doors.

(4) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

(5) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.

(6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.

(7) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.

b. **Building Proportions – Commercial Structures**

(1) Overall height of single story commercial buildings in the Central Business District shall be between 18 and 26 feet.

(2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.

(3) The ground floor facade shall have at least 45 percent of its area in transparent windows, or doors. The second floor facade shall have at least 20 percent of its area

in windows. The area of windows includes any mullions framing individual lights within the window frame.

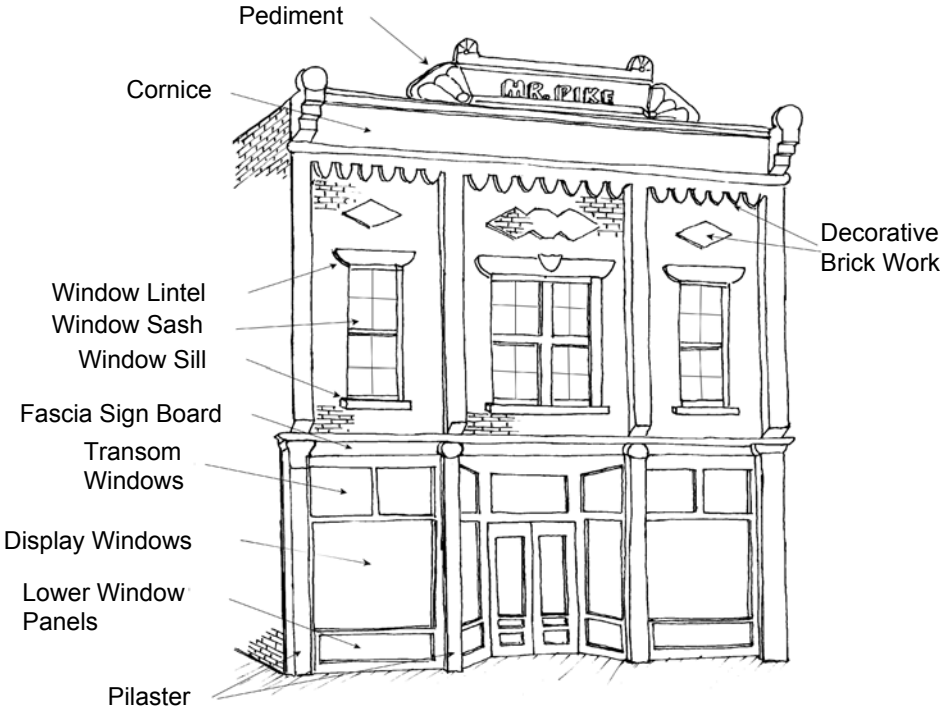

Figure 27-1 Typical Features of Commercial Structures in the Central Business District

c. **Building Materials - Commercial Structures**

(1) The base facade materials for commercial structures within the Central Business District shall be brick or stone. Architectural details, trim, window or door framing may be wood, stone, cast stone, cast iron, or other materials compatible with the historic and architectural character of the Central Business District.

6. **Fencing – Commercial Structures**

a. Any fencing for commercial structures within the Central Business District shall be in the rear of the building not visible from the street.

7. **Color Palette** - Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape.

8. **Façade Openings** - Façade openings shall comprise at least forty percent (40%) of the building's façade area.

9. **Awnings/Canopies**

   a. *Ratios* -- Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

   b. *Projection* -- Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet (5') outward from the building face/surface.

   c. *Colors and Materials* -- A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material which is complementary to the period or building style (metal or plastic shall be prohibited).

   d. *Movement* -- Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.

10. **Building Façade Plan:** The architectural style and scale of new/renovated buildings within the CBD district shall be compatible with the styles and scale of other adjacent buildings.

    Therefore:

    1. In addition to the Building Permit Plan which is required by Section 12 of this Ordinance, a Building Façade Plan shall also be required. The Building Façade Plan shall be submitted in conjunction with the Building Permit Plan application.
    2. The Building Façade Plan shall clearly show how any new structure and/or any structure that is undergoing exterior renovations will look, and shall portray a reasonably accurate depiction of the materials to be used. Especially significant is the way in which such structure(s) will be viewed from the thoroughfare upon which the property faces and/or sides.
    3. Review, approval and appeal procedures shall be the same as the procedures for a Building Permit Plan, as outlined in Section 12.
    4. The MD Director (or his/her designee) may, as he/she deems appropriate, require submission of information and materials (possibly actual samples of materials to be used) additional to those initially submitted by the applicant during the Building Facade Plan review process.

11. **Overhead Power Lines** - New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.

12. **Pedestrian Streetscape** - Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

13. **Furnishings -** Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical time frame of the CBD area, and shall be located not more than five feet (5') from the building front/facade.

14. **Open Storage -** Open storage is prohibited in the CBD district.

27.6 MAINTENANCE AND PRESERVATION

A. **Purpose**

Existing buildings in the Central Business District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of the CBD.

B. **Preservation of Architectural Features and Materials**

1. **Facades**

a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.

b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.

c. Wood materials should be painted at least every five years to prevent deterioration.

d. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.

e. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.

f. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.

g. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.

2. **Demolition**

a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.

b. If demolition reveals the side of an adjacent building that was designed never to be exposed the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.

27.7 OUTDOOR DISPLAYS AND SALES

A. **Temporary Outdoor Retail Sales -** Temporary outdoor retail sales, which involves the outside display of merchandise and/or seasonal items, shall be limited to the following:

1. Shall not be placed/located more than twelve feet (12') from the main building.

2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).

3. Shall only be located in front of the property/business which is selling the item(s).

4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

6. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

B. **Other Regulations -** As established in the Development Standards, Sections 33 through 44.

SECTION 28 *(Reserved)*

SECTION 29 COMMERCIAL (C) DISTRICT

29.1 GENERAL PURPOSE AND DESCRIPTION:

The Commercial (C) District is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractor's shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view (see Section 36). Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics that are generally not compatible with residential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

29.2 PERMITTED USES:

A. Those uses listed for the C district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 31B.

29.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (Section 38).

29.4 AREA REGULATIONS:

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

B. **Size of Yards:**
   1. **Minimum Front Yard** - Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 38 for additional setback requirements)
   2. **Minimum Side and Rear Yard** - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
   4. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height

C. **Maximum Lot Coverage** – Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Maximum Floor-Area-Ratio (FAR)** – Two to one (2:1)

E. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.

F. **Minimum Exterior Construction Standards** – See Section 37.

29.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
1. Arterial street – One driveway per two hundred (200) linear feet of frontage
2. Collector street – One driveway per one hundred (100) linear feet of frontage
3. Local street – One driveway per fifty (50) linear feet of frontage

B. **Landscaping Requirements** – See Section 34.

C. **Screening Requirements** – See Section 36.

D. **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.

2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

3. Shall not extend into public right-of-way or onto adjacent property.

4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

6. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

E. **Open Storage** - Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property). However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see Subsection D above).

F. **Recreational Vehicles** - Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

G. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

SECTION 30 LIGHT INDUSTRIAL (LI) DISTRICT

30.1 GENERAL PURPOSE AND DESCRIPTION:

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

30.2 PERMITTED USES:

A. Those uses listed for the LI district in Section 32 as "P" or "S" are authorized uses permitted by right, or by specific use which must be approved utilizing procedures set forth in Section 31B.

30.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. One hundred and twenty feet (120') for the main building(s), twenty-five feet (25') or one-story for accessory buildings. Note: height may be restricted if residential adjacency setback criteria listed below cannot be met.
   2. Other (Section 38).

30.4 AREA REGULATIONS:

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

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 38 for additional setback requirements)
   2. **Minimum Side and Rear Yard** – Ten feet (10') unless adjacent to a residentially zoned property (see below)
   3. **Minimum Side or Rear Yard Adjacent to a Residential District** – Thirty feet (30') for one-story building, and an additional fifteen feet (15') for every story (or fraction thereof) above one-story in height.

C. **Maximum Lot Coverage** – Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Maximum Floor-Area-Ratio (FAR)** – Four to one (4:1).

E. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.

F. **Minimum Exterior Construction Standards** – See Section 37.

30.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
   1. Arterial street – One driveway per two hundred (200) linear feet of frontage
   2. Collector street – One driveway per one hundred (100) linear feet of frontage
   3. Local street – One driveway per fifty (50) linear feet of frontage

B. **Landscaping Requirements** – See Section 34.

C. **Screening Requirements** – See Section 36.

D. Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property).

E. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

F. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

SECTION 31 OVERLAY AND SPECIAL DISTRICTS

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

SECTION 31A PD – PLANNED DEVELOPMENT OVERLAY DISTRICT

31A.1 **GENERAL PURPOSE AND DESCRIPTION:**

A. The City Council of the City of Terrell, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development (PD) overlay district.

B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

1. To provide for a superior design on lots or buildings;
2. To provide for increased recreation and open space opportunities for public use and enjoyment;
3. To provide amenities or features that would be of special benefit to the property users or to the overall community;
4. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
5. To protect or preserve existing historical buildings, structures, features or places;
6. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
7. To meet or exceed the standards of this Ordinance.

C. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

31A.2 PERMITTED USES:

A. An application for a PD district shall specify the base zoning district(s) upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district).

B. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by SUP at the time of PD approval, and if specifically cited as an "additional use" (i.e., to those allowed by right in the PD) in the ordinance establishing the PD.

C. Any use that is not specifically cited as permitted (by right or by SUP) in the applicable base zoning district(s) or the PD ordinance shall be prohibited unless the PD ordinance is amended using the procedures set forth in this Section and in Section 10 of this Ordinance.

D. In the case of residential PD districts, the proposed lot sizes shall be similar in size as the designated base density.

31A.3 PLANNED DEVELOPMENT REQUIREMENTS:

A. Any development requirements for a particular PD district that deviate from those of the base zoning district(s) shall be set forth in the amending ordinance granting the PD district. These shall include:

1. Allowed or additional (i.e., SUP) uses,
2. Density,
3. Lot area, width, and/or depth,
4. Yard depths and widths,
5. Building height, size, and/or exterior construction,
6. Lot coverage,
7. Floor area ratio,
8. Parking,
9. Access,
10. Screening,
11. Landscaping,
12. Accessory buildings,
13. Signs,
14. Lighting,
15. Project phasing or scheduling,
16. Property management associations, and
17. Other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

B. In the PD district, uses and development standards shall conform to the standards and regulations of the base zoning district(s) unless specifically stated otherwise in the PD ordinance. The base zoning district(s) shall be stated in the PD granting ordinance.

1. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance as applicable to each base zoning district (applications without this list will be considered incomplete).

2. The PD district shall conform to all other regulations of the applicable base zoning district(s), as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.

3. A PD that is based upon more than one (1) base zoning district shall also include a legal (i.e., metes and bounds) description and graphic exhibit describing/showing the proposed boundaries of each respective area and its base zoning district (e.g., shown as "Proposed PD-SF-7.5", "Proposed PD-NS", etc.).

C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD district granted therein, as well as a general statement citing the reason for the PD request.

D. The minimum acreage for a planned development request shall be twenty (20) acres.

31.A.4 **APPROVALS REQUIRED**

In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD district. To facilitate understanding the scope of the request during the review and public hearing process, the concurrent submission of a preliminary Concept Plan shall be required along with the PD zoning application followed by the submission of a fully engineered Comprehensive Site Plan within two (2) years of the effective date of the PD Ordinance. A Construction Plat may be submitted in lieu of the Comprehensive Site Plan for a single- or two-family PD (see the Subdivision Ordinance for submission and other requirements) if the applicant prefers to do so.

31.A.5 **COMPREHENSIVE SITE PLAN**

A. **Purpose:** This Section establishes a review process for Comprehensive Site Plan, which are required for all Planned Developments. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.

B. **Applicability:** Following approval, development applications, including construction plats and site plans, shall be in substantial conformance with the approved Comprehensive Site Plan.

1. The Comprehensive Site Plan shall be submitted no later than sixty (60) days prior to commencement of the first phase of development for final approval by the City Council in order facilitate processing the application. If a complete application for a Comprehensive Site Plan is not submitted within two (2) years of the effective date of the PD Ordinance, the right to submit such plan shall expire unless the owner submits a written request to the City Council for an extension within six (6) months of the expiration date.

2. If the application for a Comprehensive Site Plan is not submitted within the periods provided in subsection (c), The City Council shall determine whether the right to submit the Comprehensive Site Plan application should be reinstated, or whether the property should be

rezoned to another classification. The City Council, on recommendation of the Planning and Zoning Commission, may take one of the following actions:

a. Reinstate the right to submit the subject Comprehensive Site Plan application within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of the project; or

b. Modify the PD District regulations applicable to the property; or

c. Repeal the PD District for the affected portions of the property and zone such property to another zoning district classification.

C. **Building Permit & Certificate of Occupancy:** No building permit shall be issued until a Comprehensive Site Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Comprehensive Site Plan and engineering/construction plans, as approved by the City.

D. **Extent of Area That Should Be Included In a Comprehensive Site Plan:** When the overall development project is to be developed in phases, the area included within the Comprehensive Site Plan shall include only the portion of the overall property that is to be developed/constructed.

E. **Procedures & Submission Requirements For Comprehensive Site Plan Approval:** All Comprehensive Site Plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Comprehensive Site Plan applications.

F. **Review & Approval of a Comprehensive Site Plan:** The approval process for a Comprehensive Site Plan shall generally be review by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

1. <u>CITY STAFF REVIEW OF COMPREHENSIVE SITE PLANS</u>

a. Upon official submission of a complete application of a Concept Plan for approval, the City shall review the application. Specifically, the MD Director, City Engineer, and the Building Official (or their designee) shall review the Concept Plan prior to the Comprehensive Site Plan being forwarded to the Planning and Zoning Commission

b. Comprehensive Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

c. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Comprehensive Site Plan to the MD Director (or his/her designee) at least twelve (12) calendar days prior to the Planning and Zoning Commission meeting.

d. The MD Director shall then submit the corrected plan to the Planning & Zoning Commission.

e. It should be noted that the MD Director (or his/her designee) shall forward the original plan application to the Commission if the corrected version is not

resubmitted within the prescribed time period.

f. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

2. PLANNING & ZONING COMMISSION REVIEW OF COMPREHENSIVE SITE PLANS

a. All Comprehensive Site Plan applications shall be reviewed by the Planning and Zoning Commission.

b. The MD Director, or his/her designee, shall schedule consideration of the Comprehensive Site Plan application on the regular agenda of the Planning and Zoning Commission within forty-five (45) calendar days after the application is received.

c. The Planning and Zoning Commission shall review the Comprehensive Site Plan, conduct a public hearing to take public comment on the matter and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the Comprehensive Site Plan.

3. CITY COUNCIL REVIEW OF & ACTION ON COMPREHENSIVE SITE PLANS

a. All Comprehensive Site Plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.

b. The MD Director, or his/her designee, shall schedule consideration of the Comprehensive Site Plan application on the regular agenda of the City Council.

c. The City Council shall review the Comprehensive Site Plan, conduct a public hearing to take public comment on the matter and shall approve, approve subject to certain conditions, or deny approval of the Comprehensive Site Plan.

G. **Revisions to the Approved Comprehensive Site Plan:**

1. MINOR REVISIONS/AMENDMENTS

a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Comprehensive Site Plan. In such cases, the MD Director, or his/her designee, shall have the authority to approve minor modifications to an approved Comprehensive Site Plan. Such minor modifications submitted on an "Amended Comprehensive Site Plan", which shall substantially conform to the previously approved Comprehensive Site Plan.

b. Submission materials and requirements for approval of an Amended Comprehensive Site Plan shall be as determined by the MD Director, or his/her designee.

2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Comprehensive Site Plan must be resubmitted, reviewed, and approved in accordance with Subsection E and F above. The MD Director shall have the authority to determine whether a new Comprehensive Site Plan warrants a new review and approval procedure.

H. **Effect of Review/Approval:** The Comprehensive Site Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.). Approval of a Comprehensive Site Plan shall be considered approval of the Planned Development.

31A.6 **SITE PLAN REQUIREMENT FOR NONRESIDENTIAL AND MULTI-FAMILY PHASES:**

A. Site Plans for subsequent phased development of individual lots or pad sites shall be required if specified as part of the Planned Development and shall be in substantial conformance with the approved Comprehensive Site Plan.

B. Such Site Plans shall follow the review and approval procedures, and will expire after two (2) years if construction has not been initiated.

31A.7 **GENERAL APPROVAL PROCESS AND PROCEDURES:**

A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments as set forth in Section 12 of this Ordinance. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the Concept Plan that is submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying Concept Plan and Comprehensive Site Plan (if applicable), and if the PD is approved then the Concept Plan and Comprehensive Site Plan (if applicable) shall become a part of the ordinance establishing the PD district.

B. No development established in the approved (or adopted) Planned Development zoning district shall be commenced until the accompanying Concept Plan and Comprehensive Site Plan are approved by the City Council.

31A.8 When a zoning request for a Planned Development district is being considered, a written report from the Municipal Development Department discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the School District and/or utility companies), may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments and advisement are not received prior to the Planning & Zoning Commission's meeting at which the PD zoning request is to be considered, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

31A.9 **ABILITY TO SUBMIT A SITE PLAN, PLAT, OR OTHER REQUIRED PLAN:**

Following expiration of the right to submit a Site Plan, Construction Plat, or other required permit, the applicant shall retain the ability to submit a new Site Plan, plat, or other required permit for a period of five (5) years following the original approval of the related Comprehensive Site Plan. Such new Site Plan, plat, or other required permit may only be for the same approved PD project. However, any such new Site Plan, plat, or other required permit shall adhere to any and all new standards and regulations that the City has adopted in the interim (i.e., between the 2-year expiration date and the 5-year period specified) in relation to a Site Plan, plat, or other required permit.

31A.10 **ABILITY TO RETAIN THE RIGHTS TO THE PD PROJECT.**

(A) Any PD project for which no Site Plan, plat, or other required permit has been submitted for a period of five (5) years following the approval of the related Comprehensive Site Plan shall expire on the last day of that 5-year period.

(B) After such 5-year period has ended and the project expires, the Planning and Zoning Commission shall consider whether the undeveloped land within PD District should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to Section 10 of this Ordinance. The Commission thereafter shall recommend to the City Council whether the right to submit a Site Plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be zoned to another classification.

(C) Council Consideration & Factors. The Commission's recommendation shall be considered by the City Council in accordance with procedures for action upon a zoning map amendment pursuant to Section 10 of this Ordinance. The Council shall determine whether the right to submit the Site Plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:

(1) Whether the PD District remains consistent with the Comprehensive Plan;

(2) Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;

(3) Whether there are extenuating circumstances justifying the failure to submit a Site Plan, plat, or other required permit during the applicable time period; and

(4) Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

(D) Council Action. Upon (A), (B) and (C) above occurring, the City Council may take the following actions:

(1) Reinstate the right to submit the Site Plan, plat, or other required permit for the original PD project within a certain time, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;

(2) Modify the PD district regulations applicable to the property; or

(3) Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.

31A.11 PRIOR PLANNED DEVELOPMENT ORDINANCES REMAINING IN EFFECT:

Prior to adoption of this Ordinance, the City Council previously established certain Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Table 31-A, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance. Each prior PD ordinance is hereby assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on) as shown in Table 31A, and subsequent PD ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

31A.12 DOCUMENTATION OF PLANNED DEVELOPMENT ORDINANCES

All Planned Development zoning districts approved in accordance with the provisions of this Ordinance, as may be amended, shall be prefixed by a “PD” designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the Zoning District Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained as part of this Ordinance.

Table 31A- PD Ordinances				
PD No.	**Ord. No.**	**Acres**	**Project**	**Location**
1	**1904**	**4.5**	**Griffith Manor**	**Griffith Court**
2	**2023 & 2040**	**9.0**	**Calvary Oaks**	**West End at Brooks**
3	**2024 & 2069**	**126.4**	**The Terraces**	**S. Rockwall at Hamilton**
4	**2232**	**5.9**	**Tower Place**	**Ninth at Tower Place**
5	**2362**	**52.5**	**Baylor**	**I-20 & FM 148**
6	**2363**	**36.8**	**Terrell Mkt Ctr**	**I-20 & FM 148**
7				
8				
9				
10				

SECTION 31B SUP - SPECIFIC USE PERMITS

31B.1 PURPOSE AND INTENT:

A. **Nature of Specific Use Permits** - A specific use permit (SUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed specific uses and the procedures for approving specific use permit applications.

B. **Permit Required** - No specific use permit shall be established and no building permit shall be issued for any use requiring a specific use permit within any zoning district until a specific use permit (SUP) is issued in accordance with the provisions of this Section. An application for a specific use permit shall be accompanied by a detailed site plan prepared in the manner described in Section 12. The Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 31B.4.

31B.2 STATUS OF USES PERMITTED BY SPECIFIC USE PERMIT:

The following general rules apply to all specific uses:

A. The designation of a use in a zoning district as may be permitted by SUP in Section 32 (Use Charts) of this Ordinance does not constitute an authorization or assurance that such use will be approved.

B. Approval of a specific use permit shall authorize only the particular use for which the SUP is issued.

C. No use authorized by a specific use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new specific use permit in accordance with the procedures set forth in this Section and Section 10 of this Ordinance.

D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

E. If the use for which the SUP was granted is abandoned for a period of six (6) months then the City Council at its own discretion may remove the SUP by ordinance after conducting a public hearing in accordance with Section 10.

31B.3 APPLICATION FOR SPECIFIC USE PERMIT:

A. **Application Requirements** - An application for a specific use permit may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a Site Plan prepared and approved in accordance with the requirements of Section 31.B.4 below. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a specific use permit. All Site Plan applications shall be subject to the review and expiration procedures in Section 31.B.4.

B. **Subdivision Approval** - If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a specific use permit (see Subdivision Ordinance). Approval of the specific use permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the specific use permit shall take effect upon final plat approval of the phase of the subdivision containing the property on which the specific use is to be located.

31B.4 **SITE PLAN:**

A. **Purpose** – This Section establishes a review process for Site Plan applications. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.

B. **Applicability** – A Site Plan shall be required in conjunction with any application for an SUP. Refer to Section 12.1.B.2 for applicability regarding other developments for which a Site Plan shall be required.

C. **Building Permit & Certificate of Occupancy** – A Site Plan shall be submitted in conjunction with a building permit application (this is a different application than the Building Permit Plan discussed within Section 12). No building permit shall be issued until a Site Plan, as required, and all other required engineering/construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.

D. **Procedures & Submission Requirements For Site Plan Approval:** All Site Plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). The specific requirements for Site Plan applications shall include the following.

1. When the overall development project is to be developed in phases, the Site Plan shall include only the portion of the overall property that is to be developed/constructed.

2. A title block within the lower right hand corner of the site plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Kaufman County, Texas;

3. A vicinity or location map that shows the location of the proposed development within the City (or its ETJ) and in relationship to existing roadways;

4. The boundary survey limits of the tract (and each proposed lot) and scale distances with north clearly indicated;

5. The names of adjacent additions or subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
6. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements (with recording information); existing buildings; railroad rights-of-

way; topography (contours at two-foot intervals) with existing drainage channels or creeks (including the 100-year flood plain, if applicable); any other important natural features (such as rock outcroppings, caves, wildlife habitats, etc.); and all substantial natural vegetation;

7. Proposed strategies for tree preservation (showing individual trees or tree masses that will preserved, and the techniques that will be used to protect them during construction);

8. The layout and width (right-of-way lines and curb lines) of existing and proposed thoroughfares, collector streets and/or intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways (show driveway widths and distances between driveways), and proposed median openings and left turn lanes on future divided roadways (existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings);

9. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages (for multi-tenant or multi-purpose buildings, show square footage for each intended use), massing, orientation, loading/service areas (including proposed screening), recycling containers, compactors and dumpster enclosures (including proposed screening), pedestrian walkways, and parking areas (including parking ratio calculations); any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; and

10. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule (including species, planted height, spacing, container/caliper size, numbers of each plant material, etc.) any existing wooded areas, trees to be planted, and irrigation plans (if required).

11. Building façade (elevation) plans showing elevations with any attached (wall-mounted) signage to be used, as determined appropriate by the MD Director.

Provision of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Plan. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the MD Director shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

E. **Review & Approval of a Site Plan:**

1. <u>CITY STAFF REVIEW OF SITE PLANS</u>
   a. Following submittal of a complete application of a Site Plan in accordance with Section 12 of this Ordinance, City staff shall review the Site Plan application. Specifically, the Director of Municipal Development, City Engineer, and the Building Official (or their respective designees) shall review the Site Plan prior to the Site Plan being forwarded to the Planning and Zoning Commission.
   b. Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.
   c. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Site

Plan to the Director of Municipal Development (or his/her designee) within seven (7) calendar days prior to the Planning and Zoning Commission meeting.

d. The Director of Municipal Development shall then submit the corrected plan to the Planning & Zoning Commission.
e. It should be noted that the Director of Municipal Development (or his/her designee) shall forward the original plan application to the Commission if the corrected version is not resubmitted within the prescribed time period.
f. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

2. PLANNING & ZONING COMMISSION REVIEW OF & ACTION ON SUP SITE PLANS
   a. All Site Plan applications shall be reviewed by the Planning and Zoning Commission.
   b. The Director of Municipal Development, or his/her designee, shall schedule consideration of any Site Plan application on the regular agenda of the Planning and Zoning Commission within twenty (20) working days after the complete application is received.
   c. The Planning and Zoning Commission shall conduct a public hearing on the SUP application and related Site Plan in order to formulate its recommendations to the City Council. The Commission shall then recommend to the City Council that the SUP application and related Site Plan be approved, approved subject to certain conditions, or denied.
   d. If the Planning and Zoning Commission recommends denial of the Site Plan, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

3. CITY COUNCIL REVIEW OF & ACTION ON SUP SITE PLANS
   a. All Site Plan applications shall be reviewed and finally acted upon by the City Council.
   b. The Director of Municipal Development, or his/her designee, shall schedule consideration of any Site Plan application on the regular agenda of the City Council within forty (40) working days after Planning and Zoning Commission action.
   c. The City Council shall conduct a public hearing on the SUP application and related Site Plan. The Council shall then approve, approve subject to certain conditions, or deny the Site Plan.
   d. City Council approval of the SUP application and related Site Plan shall require a simple majority vote.
   e. The City Council may also, where appropriate, remand the SUP application and related Site Plan back to the Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).
   f. City Council decision on all SUP applications and related Site Plans shall be final, unless consideration is remanded back to the Commission.

F. **Revisions to the Approved Site Plan:**

1. MINOR REVISIONS/AMENDMENTS
   a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Director of Municipal Development, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan. Such minor modifications shall be submitted as an "Amended Site Plan." The Amended Site Plan shall be clearly titled as such, and shall substantially conform to the previously approved Site Plan.
   b. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the Director of Municipal Development, or his/her designee.

2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Site Plan must be resubmitted for review and approval. The Director of Municipal Development shall have the authority to determine whether changes to a Site Plan warrant another review and approval procedure (in accordance with this Section).

G. **Effect of Review/Approval:** The Site Plan shall be considered authorization for a Specific Use Permit, as well as authorization to proceed with construction of the site (if applicable) and other required City approvals (such as final plat, engineering plans, building permit, etc.).

H. **Validity & Lapse of SUP Site Plan Approval:** A Site Plan shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).

1. VALID FOR TWO YEARS: Any approved Site Plan shall be deemed expired two (2) years from the date on which the Site Plan was originally approved by the City Council if no progress has been made toward completion of the project.

2. PROGRESS BENCHMARKS: The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:
   a. Plans for construction and an application for a building permit for at least one of the buildings on the approved Site Plan are submitted within two (2) years following approval of the Site Plan.
   b. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
   c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
   d. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
   e. Utility connection fees or impact fees for the project have been paid to the City.

3. EXPIRATION: If one of the items listed in Subsection 2.a through 2.e above is not accomplished within the two-year period, then the approved Site Plan shall expire and shall become null and void.

4. EXTENSION & REINSTATEMENT PROCEDURE:
   a. Prior to the lapse of approval for a Site Plan, the applicant may petition the City (in writing) to extend the Site Plan approval.

b. Such petition shall be recommended for approval or denial by the Planning and Zoning Commission, and shall be granted approval or denial by the City Council.
c. If no petition is submitted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
d. In determining whether to grant a request for extension, the Planning and Zoning Commission and City Council shall take into account:
    i. The reasons for the lapse,
    ii. The ability of the property owner to comply with any conditions attached to the original approval, and
    iii. The extent to which development regulations would apply to the Site Plan at that point in time.

31B.5 **STANDARDS:**

A. **Factors for Consideration** - When considering applications for a specific use permit, the Planning and Zoning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the Site Plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Ordinance;
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
    a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
    b. Off-street parking and loading areas;
    c. Refuse and service areas;
    d. Utilities with reference to location, availability, and compatibility;
    e. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
    f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
    g. Required yards and open space;
    h. Height and bulk of structures;
    i. Hours of operation;

j. Exterior construction material and building design; and

k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

B. **Conditions** - In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of operation, etc.) as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 10. Such additional conditions shall exceed the minimum standards contained herein or in any other applicable City code or ordinance, and they cannot, in effect, relax or grant relief from any of the City's minimum standards (see Subsection C below). Any conditions imposed shall be set forth in the ordinance approving the specific use permit, and shall be incorporated into or noted on the Site Plan for final approval. The Municipal Development Department shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the specific use permit, and shall sign the Site Plan to indicate final approval. The City shall maintain a record of such approved specific use permits and the Site Plans and conditions attached thereto.

C. **Prohibition on Waivers and Variances** - The foregoing additional conditions (i.e., standards of development for the SUP) shall not be subject to variances that otherwise could be granted by the Board of Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the BOA. In conformity with the authority of the City Council to authorize specific use permits, the City Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this section; provided, however, that the City Council shall not waive or modify any approval factor set forth in Subsection A of this Section 31.B.5.

31B.6 **EXPIRATION AND EXTENSION:**

A. A specific use permit may be rescinded by the City Council, on its own motion and at its discretion, for failure to commence development, for failure to secure an extension or reinstatement of the related Site Plan that was approved along with the SUP ordinance.

31B.7 **AMENDMENT:**

A. No proposed or existing building, premise or land use authorized as a specific use permit may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the specific use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the specific use permit and approved Site Plan are amended accordingly.

31B.8 **OTHER REGULATIONS:**

A. The Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any specific use permit.

31B.9 **USE REGULATIONS:**

A. Uses allowed by SUP are specified in Section 32 (Use Charts).

Table 31B- SUP Ordinances				
SUP No.	**Ord. No.**	**Date**	**Purpose**	**Location**
1	1402	02-05-1985	Rabbits	1115 Maryell St.
2	1418-1	07-02-1985	Rabbits	1117 Maryell St.
3	1457	04-10-1986	Cell Tower	123 Bradshaw St.
4	1480	12-09-1986	Office Complex	311 Ninth St.
5	1684	06-16-1992	Modular Bldg	410 Industrial Blvd
6	2026	08-01-2000	Cell Tower	Lot1, Norton 2nd Add.
7	2048	03-06-2001	Cell Tower	Lot, Block 13, Terrell Orig.
8	2068	06-05-2001	B & B	102 Pecan St.
9	2084	09-04-2001	Acc. Dwelling	508 Bradshaw St.
10	2144	01-21-2003	Cell Tower	Grove @ Frances
11	2172	05-20-2003	Cell Tower	Lot 3, Block D, Metrocrest Add. – Apache Trail
12	2177	07-15-2003	Cell Tower	Lot 1, Block 455, Terrell Rev.
13	2178	07-15-2003	Cell Tower	Lot 1, Block 590, Terrell Rev.
14	2179	7-15-2003	Cell Tower	Lot 2a, Block 373, Terrell Rev.

SECTION 31C *(Reserved)*

IV. USE REGULATIONS

SECTION 32 USE REGULATIONS (CHARTS)

32.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts (Section 32.2) is:

P	Designates use permitted in the zoning district indicated.
	Designates use prohibited (i.e., not allowed) in the zoning district indicated.
S	Designates use may be permitted in the zoning district indicated by Specific Use Permit (also see Section 31B).

See Definitions in Section 44 of the Zoning Ordinance for further description of uses.

B. If a use is not listed (or blank) in the Use Charts, it is not allowed in any zoning district (see Subsection D below).

C. **Use Chart Organization** - The following use categories are listed in the Use Charts (Section 32.2):

1. Agricultural Uses
2. Residential and Accessory Uses
3. Institutional Uses
4. Amusement and Recreational Uses
5. Office and Professional Uses
6. Personal and Service Uses
7. Retail Uses
8. Automotive Uses
9. Transportation Uses
10. Governmental and Utility Uses
11. Commercial and Wholesale Uses
12. Light Industrial and Manufacturing Uses

D. **Classification of New/Unlisted Uses** - It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Terrell. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Section 32.2) shall be made as follows:

1. **Initiation:**

   a. A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.

   b. A person requesting the addition of a new or unlisted use shall submit to the Municipal Development Department all information necessary for the classification of the use, including but not limited to:

      (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;

      (2) The type of product sold or produced under the use;

      (3) Whether the use has enclosed or open storage and the amount and nature of the storage;

      (4) Anticipated employment typically anticipated with the use;

      (5) Transportation requirements;

      (6) The nature and time of occupancy and operation of the premises;

      (7) The off-street parking and loading requirements;

      (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;

      (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and

      (10) Impervious surface coverage.

2. The Municipal Development Department shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection "b" above. An amendment to this Ordinance shall be required as prescribed by Section 10.

3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by SUP).

4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10 (i.e., following notification and public hearing, etc.).

5. Standards for new and unlisted uses may be interpreted by the Municipal Development Department as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the Municipal Development Department may be appealed according to the process outlined in subsections "2" through "4" above.

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SECTION 32.2 – USE CHARTS

Legend

P – The land use is permitted by right in the zoning district indicated.
[ ] – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 1

AGRICULTURAL USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Bulk Grain and/or Feed Storage	P																P
Farms, General (Crops)	P		P														P
Farms, General (Livestock/Ranch)	P		P														P
Greenhouse (Non-Retail/Hobby)	P		P	P	P	P		P									P
Hay, Grain, and/or Feed Sales (Wholesale)	P																P
Feed, Grain or Farm Supply Retail Store	P														P		P
Kennels (Indoors)	P												S		P		P
Kennels (Outdoors)	S														P		P
Livestock Sales (wholesale)	S																S
Orchard/Crop Propagation	P																P
Plant Nursery (growing for commercial purposes but no retail sales on site)	P																P
Stables (As A Business)	P																S
Stables (Private, Accessory Use)	P																S
Stables (Private, Principal Use)	P																S
Veterinarian (Indoor Kennels)	P														P		P
Veterinarian (Outdoor Kennels)	S														S		P

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 2

RESIDENTIAL AND ACCESSORY USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Accessory Building/Structure (Residential)	P		P	P	P	P		P	P	P							
Accessory Building/Structure (Non-residential)											P	P	P	S	P		P
Accessory Dwelling	P		S														
Bed and Breakfast Inn																	
Caretaker's/Guard's Residence	P		S						P	P					P		P
Four-Family Dwelling (Quadri-plex)									P	S							
Home Occupation	P		P	P	P	P			P	P							
Independent Living Facility For Elderly/Seniors									P	S							
Manufactured Home (HUD CODE)										P							
Mobile Home (built prior to June 15, 1976)																	
Mixed-Use Residential														P			
Multi-Family Dwelling (Apartments)									P	S							
Rooming/Boarding House									P	S							
Single-Family Detached Dwelling	P		P	P	P	P		P	S	S							
Single-Family Attached Dwelling (Townhouse)								P	P	S							
Three-Family Dwelling (Triplex)									P	S							
Two-Family Dwelling (Duplex)								P	P	S							
Zero Lot Line Single-Family Dwelling (Patio Home)								P	P	S							

Legend

P – The land use is permitted by right in the zoning district indicated.

[ ] – The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 3

INSTITUTIONAL USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Animal Cemetery	S														S		S
Art Gallery or Museum											P	P	P	P	P	P	P
Assisted Living Facility (7 or more Elderly/Senior or Disabled Persons)								S	P	S	S	S	S				
Cemetery and/or Mausoleum	S												S		S		S
Church/Temple/Place of Worship	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Civic/Fraternal Organization											P	P	P	P	P		P
Clinic (Minor Emergency)											P	P	P	P	P		P
College or University	S														P		P
Community Home (6 or Less Elderly/Senior or Disabled Persons Licensed by the State)	P		P	P	P	P		P	P	P							
Day Care Center (Child Care for 7 or More Unrelated Children)									P		S	P	P	S	P		S
Family Home (Child Care for 6 or Less Unrelated Children)	P		P	P	P	P		P	P	P							
Hospital (Acute care / Chronic Care)											S	S	P		P		P
Humane Society/Animal Pound	S																S
Library (Public)	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Philanthropic, Charitable or Nonprofit Organization	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Psychiatric, Alcoholic or Narcotic Treatment/Care Facility													S	S	S		S
Nursing/Convalescent Home or Hospice								S	P	S	S	S	S	S	P		S
Orphanage	S								S						S		
Public Health Center											S	S	P		P		P
Rectory/Parsonage	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Rehabilitation Care Facility (Halfway House)	S								S	S					S		S
Retirement Home/Home for the Aged								S	P	S	S	S	S	S	P		S
School, K through 12 (Private)	S		S	S	S	S		S	S	S	S	S	S	S	S		S
School, K through 12 (Public)	P		P	P	P	P		P	P	P	P	P	P	P	P		P
School, Vocational (Business/Commercial Trade)											S	S	S		P		P

Legend

P – The land use is permitted by right in the zoning district indicated.

[ ] – The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 4

AMUSEMENT AND RECREATIONAL USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Amusement Devices/Arcade (Four or More Devices, Indoors only)												S	S	S	P		S
Amusement, Commercial (Indoors)													P		P		P
Amusement, Commercial (Outdoors)													S		P		P
Athletic Field or Stadium (Public)	P		P	P	P	P		P	P	P	P	P	P		P		P
Billiard / Pool Facility (Three or More Tables)													S		P		S
Dance Hall															S		P
Day Camp for Children	P														S		P
Dinner/Live Drama Theatre												S	P	P	P		P
Driving Range	S														S		P
Fair/Rodeo Grounds or Exhibition Hall or Arena															S		S
Golf Course or Country Club (Private)	S		S	S	S	S		S	S	S	S	S	S		S		S
Golf Course (Public)	P		P	P	P	P		P	P	P	P	P	P		P		P
Health Club (Physical Fitness; Indoors Only)											P	P	P		P		P
Motion Picture Theater (Indoors)													P		P		P
Motion Picture Theater (Outdoors)																	S
Park and/or Playground (Private)	S		S	S	S	S		S	S	S							
Park and/or Playground (Public/Municipal)	P		P	P	P	P		P	P	P	P	P	P		P		P
Party Wedding Reception Facility (Private)	S												S		P		P
Private Club (Restaurant Alcohol Sales)												S	S	S	S		S
RV or Travel Trailer Park (Short-Term Stay)	S									S					S		S
RV or Travel Trailer Park (Long-Term Stay)	S									S					S		S
Special Events, Carnivals or Festivals	P											P	P	P	P		P
Swimming Pool (Private, Membership)	S		S	S	S	S		S	S	S	S	S					
Swimming Pool (Public)	P		P	P	P	P		P	P	P	P	P	P		P		P
Tennis Court (Private/Lighted)	S		S	S	S	S		S	P	P							
Tennis Court (Private / Not Lighted)	P		P	P	P	P		P	P	P							
Video Rental / Sales (For All Audiences)											P	P	P	P	P		P
Zoo (Public or Private)	S																S

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 5

OFFICE AND PROFESSIONAL USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Check Cashing Service											P	P	P	P	P		P
Financial Institution (With Drive-Thru Service)											S	S	P	P	P		P
Financial Institution (Without Drive-Thru Service)											P	P	P	P	P		P
Medical Office (Doctor, Dentist, Optician or Other Outpatient)											P	P	P	P	P		P
Medical Laboratory											S		S		P		P
Motion Picture Studio, Commercial Film															S		P
Office (General Business or Professional)											P	P	P	P	P		P
Radio or Television Broadcasting Studio (With Tower)															S		S
Radio or Television Broadcasting Studio (Without Tower)											P	P	P	P	P		P
Telemarketing Agency																	

Legend

P – The land use is permitted by right in the zoning district indicated.

[ ] – The land use is prohibited in the zoning district indicated.

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CHART 6

PERSONAL AND SERVICE USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Ambulance Service															P		P
Artist/Photography Studio											P	P	P	P	P		P
Automobile Driving School (including Defensive Driving)											S	S	P		P		P
Automatic Teller Machines (ATM's)											P	P	P	P	P		P
Barber/Beauty, Cosmetology College											S	S	P		P		P
Barber/Beauty Shop											P	P	P	P	P		P
Dance/Drama/Music Schools (Performing Arts Studio)											P	P	P	P	P		P
Electronic Sales/Service (Computers, Entertainment or Telephones)											S	P	P	P	P		P
Exterminator Service (No outdoor sales or storage)															P		P
Funeral Home													S		P		P
Hotel/Motel													S		P		P
Martial Arts School / Dance Studio											P	P	P	S	P		P
Laundromat (or Self-Service Washateria)												S	S		P		P
Laundry/Dry Cleaning (Drop Off/Pick Up)											P	P	P	P	P		P
Locksmith											P	P	P	P	P		P
Massage Establishment (as defined within this Ordinance)											S	S	P		P		P
Mini-Warehouse/Self Storage															S		P
Personal Service Shops (Tailor, Shoe Repair, Seamstress, etc.)											P	P	P	P	P		P
Photocopy/Print Shop											P	P	P	P	P		P
Security Systems Installation and Monitoring Company											P	S	P	S	P		P
Sexually Oriented Business (Regulated by Additional City Codes, Ch 5, Section 5.14)																	P
Tattoo Studio or Body Piercing															S		S
Tool Rental (Indoor Storage only)													P		P		P
Tool Rental (with Outdoor Storage- No Heavy Equipment)													S		P		P

Legend

P – The land use is permitted by right in the zoning district indicated.
[ ] – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 7

RETAIL USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Alcoholic Beverage Retail Sales	**(See Chapter 5, Section 5.2 of the Code of Ordinances, as amended)**																
Antique/Consignment Shop (No Outside Storage)												**S**	**P**	**P**	**P**		**P**
Antique/Consignment Shop (With Outside Storage)															**S**		**S**
Appliance (Major) Sales, Rental, Repair (With Outside Storage)															**S**		**P**
Appliance (Minor) Sales, Rental, Repair (No Outside Storage)													**P**		**P**		**P**
Bakery or Confectionery Shop (Retail)												**P**	**P**	**P**	**P**		**P**
Convenience Store (with Gasoline Sales)												**S**	**P**		**P**		**P**
Convenience Store (without Gasoline Sales)												**P**	**P**	**S**	**P**		**P**
Garden Center/Nursery With No Outside Storage)												**P**	**P**		**P**		**P**
Gravestone/Tombstone Sales													**S**		**P**		**P**
General Merchandise (Dry Goods) – Stores Less Than 12,000 Sq.Ft.												**P**	**P**	**P**	**P**		**P**
General Merchandise (Dry Goods) – Stores 12,000 Sq.Ft. or Larger												**S**	**P**	**S**	**P**		**P**
Grocery/Food Store – Less Than 12,000 Sq.Ft.												**P**	**P**	**S**	**P**		**P**
Grocery/Food Store – 12,000 Sq.Ft. or Larger												**S**	**P**	**S**	**P**		**P**
Itinerant Vendor/Vending	**S**																**S**
Light Equipment Sales or Service (No Outside Storage)													**P**		**P**		**P**
Light Equipment Sales or Service (With Outside Storage)													**S**		**P**		**P**
Market (Public, Flea, Produce, etc.)															**S**		**S**
Pawn Shop															**P**		
Pet Shop / Supplies / Grooming												**P**	**P**	**P**	**P**		**P**
Pharmacy												**P**	**P**	**P**	**P**		**P**
Recycling Kiosk											**S**	**S**	**S**		**P**		**P**
(USES CONTINUED ON NEXT PAGE)																	

Legend
P – The land use is permitted by right in the zoning district indicated.
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S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 7
(Cont.)

RETAIL USES (Continued)	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Restaurant (Without Drive-Thru Service)											S	P	P	P	P		P
Restaurant (With Drive-Thru or Drive-In Service)												S	P		P		P
Second Hand Thrift Store or Used Merchandise (Inside Only)												S	S	S	P		P
Temporary Outside Retail Display/Sales (No Overnight Display)												P	P	P	P		P

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 8

AUTOMOTIVE USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Auto Auction/Storage															S		P
Auto Dealership (Used Auto Sales as Accessory Use Only)													S		P		P
Auto Dealership (Used Auto Sales)													S		P		P
Auto Muffler Shop (With Outside Storage)															P		P
Auto Paint and Body Shop (With Outside Storage)															S		P
Auto Parts and Accessories Sales (Indoors Only – No Repair Bays)												S	P	S	P		P
Auto Rental or Leasing													S		P		P
Auto Repair (Major)															S		P
Auto Repair (Minor)															P		P
Auto Tire Sales/Repair (With Service Bays – No Outside Storage)													P		P		P
Auto Wrecker Service (Limited to Ten Vehicles Stored Onsite)															P		P
Auto Wrecking/Salvage Yard																	S
Boat (Marine) Dealership													S		P		P
Car Wash (Self Service; Automated)												S	S		P		P
Car Wash (Full Service; Detail Shop)												S	P		P		P
Gasoline Service Station												S	P	S	P		P
Motorcycle/All Terrain Dealership													S		P		P
Public Garage / Parking Structure													P	S	P		P
Quick Lube/Oil Change/Minor Inspection												P	P		P		P
Recreational Vehicle Dealership (RV's, Campers, Travel Trailers, etc.)															S		P

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 9

TRANSPORTATION USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Airport, Heliport or Landing Field																	S
Helistop or Helicopter Landing Pad															S		P
Bus Station or Terminal															S		P
Limousine / Taxi Service															P		P
Motor Freight (Trucking) Company															S		P
Moving and Storage Company (With Outside Storage)															S		P
Railroad Yard																	S
Truck Sales, Service, Leasing or Rental															S		P
Truck Stop and Fueling Station															S		P

Legend

P – The land use is permitted by right in the zoning district indicated.
[ ] – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 10

GOVERNMENTAL AND UTILITY USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Antenna/Tower (Non-Commercial)	(See Section 38.5)																
Antenna/Tower (Commercial)	(See Section 38.5)																
Electrical Generating Plant	S														S		P
Electrical Substation	S		S	S	S	S		S	S	S	S	S	S		S		P
Electrical Transmission Line (Towers)	S		S	S	S	S		S	S	S	S	S	S		S		P
Fire Station	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Franchised Private Utility (not listed)	P		P	P	P	P		P	P	P	P	P	P		P		P
Gas Transmission Line (Regulating Station)	S		S	S	S	S		S	S	S	S	S	S		S		S
Governmental Office Building (Municipal, County, State or Federal)	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Governmental Service Facility or Use (Municipal, County, State or Federal)	S		S	S	S	S		S	S	S	P	P	P	P	P		P
Mailing Service (Private)											P	P	P	P	P		P
Phone Exchange/Switching Station	S										S	S	S	S	S		S
Police Station	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Post Office (Governmental)	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Propane Sales (Retail)															P		P
Radio/Television Tower (Commercial – Stand Alone)	(See Section 38.5)																
Sewage Lift/Pumping Station	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Transfer Station (Refuse/Pick-up)	S														S		P
Utility Distribution Line	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Water/Wastewater Treatment Plant (Public)	P		P	P	P	P		P	P	P	P	P	P	S	P		P
Water Supply Facility (Public; includes Elevated Water Storage)	P		P	P	P	P		P	P	P	P	P	P	S	P		P
Water Supply Facility (Private)	P		P	P	P	P		P	P	P	P	P	P	P	P		P

Legend

P – The land use is permitted by right in the zoning district indicated.
[ ] – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 11

COMMERCIAL AND WHOLESALE USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Bakery or Confectionery (Commercial/Wholesale)															P		P
Book Bindery															P		P
Cleaning Plant (Commercial/Wholesale)															S		P
Contractor's Office/Shop, (No Outside Storage Including Vehicles)													S		P		P
Contractor's Office/Shop (With Outside Storage)															S		P
Contractor Supply Warehouse (Wholesale – No Outside Storage)													S		P		P
Contractor Supply Warehouse (Wholesale – With Outside Storage)															S		P
Contractor's Temporary On-Site Construction Office (only with permit)	P		P	P	P	P		P	P	P	P	P	P	P	P		P
Heating & Air-conditioning Sales / Services													S		P		P
Heavy Equipment Sales or Service															S		P
Heavy Equipment Rental or Leasing															S		P
Manufactured Home Sales (New)																	S
Manufactured Home Sales (Used)																	
Office Showroom Warehouse													S		P		P
Outside Storage of Equipment or Materials (More Than 24 Hours)													S		S		P
Petroleum Distribution/Storage/Wholesale Facility															S		P
Portable Building Sales															S		S
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)												S	P	S	P		P
Taxidermist	S														P		P
Welding Shop															P		P

Legend

P – The land use is permitted by right in the zoning district indicated.
[ ] – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

CHART 12

LIGHT INDUSTRIAL AND MANUFACTURING USES	Residential Zoning Districts										Non-Residential Zoning Districts						
	AG		SF-16	SF-10	SF-7.5	SF-6		TH-12	MF-22	MH	O	NS	R	CBD	C		LI
Animal Rendering Plant (Slaughterhouse)																	
Assembly and Fabrication Processes (Inside Only)															P		P
Batch Plant – Asphalt/Concrete (Permanent)																	S
Batch Plant – Asphalt/Concrete (Temporary)															S		S
Bottling Works															P		P
Commercial Dairy Processing Plant															S		P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair															S		P
Food Processing (No Animal Slaughtering)															S		P
Industrial Processes (Wholly Enclosed Within a Building)															S		S
Industrial Processes(Not Wholly Enclosed Within a Building)																	S
Laboratory Equipment Manufacturing															S		P
Machine Shop													S		P		P
Maintenance & Repair service for Buildings													S		P		P
Manufacturing, General (meeting performance standards in Section 39)															S		P
Micro Brewery (onsite mfg. & sales)	**(See Chapter 5, Section 5.2 of the Code of Ordinances as amended)**																
Mineral Extraction (Including Gas, Oil, Coal)																	S
Paper Manufacturing, Converting or Finishing															S		P
Research Lab (Non-Hazardous)															S		P
Salvage, Reclamation or Recycling of Materials																	S
Sand/Gravel/Stone Extraction	S																
Sand/Gravel/Stone Sales (Storage)																	S
Sign Manufacturing															S		P
Stone/Clay/Glass Manufacturing																	P
Wood or Steel Structural Fabrication																	S

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V. DEVELOPMENT STANDARDS

SECTION 33 OFF-STREET PARKING AND LOADING REQUIREMENTS

33.1 PURPOSE:

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

33.2 RESIDENTIAL DISTRICTS - SPECIAL OFF-STREET PARKING PROVISIONS:

A. Required off-street parking shall be provided on the same lot/site as the use it is to serve.

B. A minimum of two (2) enclosed parking spaces (garage), located behind the front building line, shall be provided in the AG, SF-16, SF-10, SF-7.5, and SF-6 districts except infill redevelopment in the SF-6 district (platted prior to the adoption date of this ordinance) – a minimum of two (2) spaces one of which shall be enclosed or covered (carport). See specific district requirements for all other residential districts.

C. All vehicle parking (including motor vehicles, recreational vehicles, boats, trailers, personal watercraft, etc) shall be on a suitably paved parking surface (defined as concrete or asphalt paving). Existing crushed rock parking areas constructed prior to the date of adoption of this ordinance may be continued to be used, however, they may not be enlarged and all new parking areas shall be constructed of concrete or asphalt paving materials. Minimum construction standards for asphalt paving are four (4") inches of compacted base and two (2") inches of rolled asphalt. Minimum construction standards for concrete paving are 4 inches of concrete with #3 rebar on 18 inch centers. All driveways and approaches to parking spaces shall be similarly paved, except in the AG district in which driveways over 50 feet in length may be constructed of crushed rock (gravel) a minimum of 6 inches thick.

D. No required enclosed parking space, garage, carport, or other automobile storage space shall be converted into living space unless the required enclosed parking is provided elsewhere on the same lot which meets all other requirements of this ordinance such as, setbacks, exterior façade materials, etc.

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

A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 40.

B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 33.10 (Fire Lanes). Every parking space shall be located within one hundred fifty feet (150') of a designated fire lane.

C. Each standard off-street surface parking space size shall be in accordance with the design standards as shown in Table 33-1 below for space size and aisle design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

1. Standard: Nine feet (9') by twenty feet (20') – eighteen-foot (18') length is allowed provided that the parking space has a two-foot (2') clear bumper overhang area that does not encroach upon a public right-of-way, a sidewalk of less than six feet (6') in width, or adjacent property.

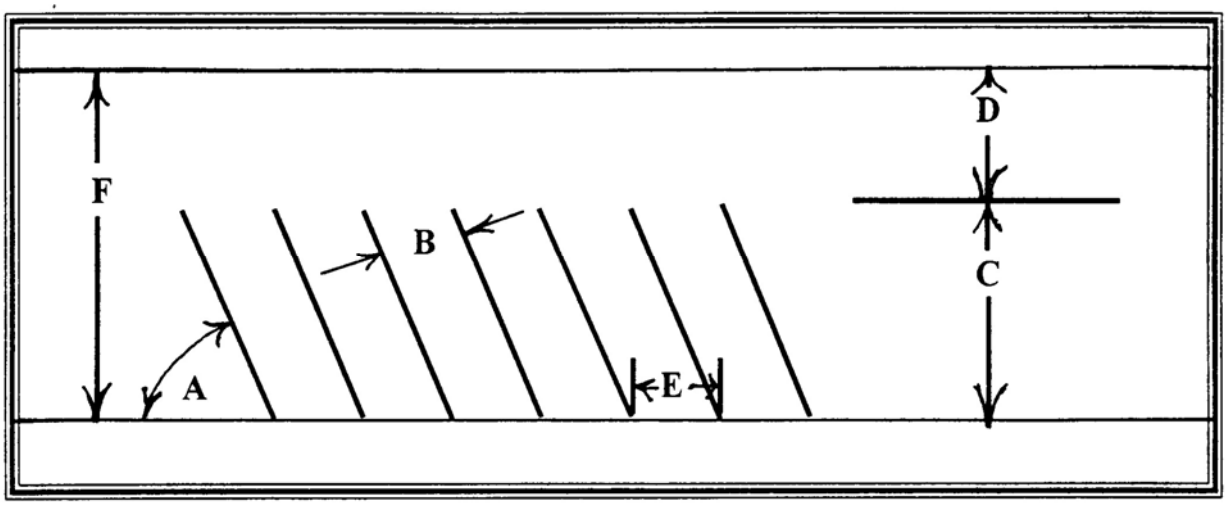
2. Parallel: Nine feet (9') by twenty-two feet (22').

ILLUSTRATION 33-1
Minimum Dimensional Standards for Parking

This table and the diagram below provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees
B = Minimum stall width
C = Minimum stall depth
D = Minimum clear aisle width
E = Minimum clear stall distance at bay side
F = Minimum clear bay width

A	B	C	D One Way	D Two Way	E	F One Way	F Two Way
O (parallel)	9'0"	-	12'0"	20'0"	22'0"	21'0"	29'0"
45	9'0"	22'0"	15'0"	20'0"	12'9"	37'0"	42'0"
60	9'0"	21'0"	18'0"	20'0"	10'4"	39'0"	41'0"
90	9'0"	18'0"	24'0"	24'0"	9'0"	42'0"	42'0"



D. All drive aisles, fire lanes, off-street parking, maneuvering, loading and storage areas shall be paved with paving in accordance with the City's paving design standards (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces) and graded to drain properly per City standards (i.e., no standing or pooling of water). All driveway approaches shall be constructed as described above, and shall be curbed to City standards. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public sidewalk, except for single- and two-family dwellings, which shall not be allowed to egress onto roadways that are larger than a residential collector (60' right-of-way) street unless specifically permitted by the City with the construction plat application.

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

E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space (except business locations in the downtown area that are already in existence as of the effective date of this Ordinance), or for circulation within the parking lot. All entrances into parking lots shall be at least twenty-four feet (24') in width, and shall conform to the City's adopted Subdivision Regulations.

F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs.

G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than twenty feet (20') and without having to go the wrong way in a traffic aisle.

H. Handicap parking space(s) shall be provided according to building codes, State and Federal laws, and requirements of the Americans with Disabilities Act (ADA) and must be approved by the Texas Department of Licensing and Regulation (TDLR), P.O. Box 12157, Austin, Texas, 78711 (800-803-9202). Parking spaces for persons with disabilities shall be as close as possible to the main entrance of the building, and shall be appropriately and clearly marked. The following are general guidelines and are for reference only:

ADA Parking Requirements

Total Parking in Lot	Required Minimum Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

Access aisles adjacent to handicapped parking spaces shall be a minimum of forty-eight (48") inches.

I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses.

K. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring at least nine feet (9') wide by twenty feet (20') long with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least nine (9) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.

2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.

3. For each service window of a drive-through restaurant, a minimum of five (5) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).

4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.

5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.

8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay itself.

L. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than three (3) parking spaces deep unless adequate turnaround space is provided. A minimum five-foot (5') deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

M. All parking structures must conform to the construction and design standards of the zoning district in which they are located.

33.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:

A. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustrations 33-2 and 33-3). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. The minimum dimensions of a "regular" loading space shall be ten feet by thirty feet (10' x 30'), and a "large" loading space shall be at least ten feet by sixty-five feet (10' x 65'). Loading spaces or berths shall be provided in accordance with the following schedule:

(a) Office uses, or portion(s) of building devoted to office uses:

0 to 19,999 square feet:	0 spaces
20,000 to 49,999 square feet:	1 regular space
50,000 to 149,999 square feet:	1 regular space and 1 large space
150,000+ square feet:	2 regular spaces and 1 large space

(b) Retail/commercial and restaurant uses, or portion(s) of building devoted to retail/commercial and restaurant uses:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 29,999 square feet:	1 regular space and 1 large space
30,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000:	1 additional large space

B. In all nonresidential zoning districts, loading docks or service/delivery entrances shall not be constructed facing any public street (except for large industrial uses; see Subsection B.1 below), and shall not be visible from any public street. Such loading areas shall be screened from view of any public street by the building itself, or by a masonry screening wing wall at least eight feet (8') in height. Such masonry wing wall shall match the exterior construction materials and colors of the main building, and shall be located no closer than one hundred feet (100') to any public street right-of-way line (see Illustration 33-3).

1. For large industrial or warehouse uses in the LI zoning district only, the loading docks may face a public street, and shall not be required to provide a masonry screening wing wall, provided that a minimum thirty-foot (30') wide landscape buffer area is provided adjacent to the street right-of-way line. One (1) large shade trees shall be provided within the landscape buffer area for every twenty feet (20') of street frontage, or one (1) small ornamental tree shall be provided for every twelve feet (12') of street frontage (or some combination thereof). In addition, a solid massing of large evergreen shrubs and three- to four-foot tall berms shall be provided to further screen loading area from view of the street (see Illustration 33-4).

Illustration 33-2: Off-Street Maneuvering for Loading Area

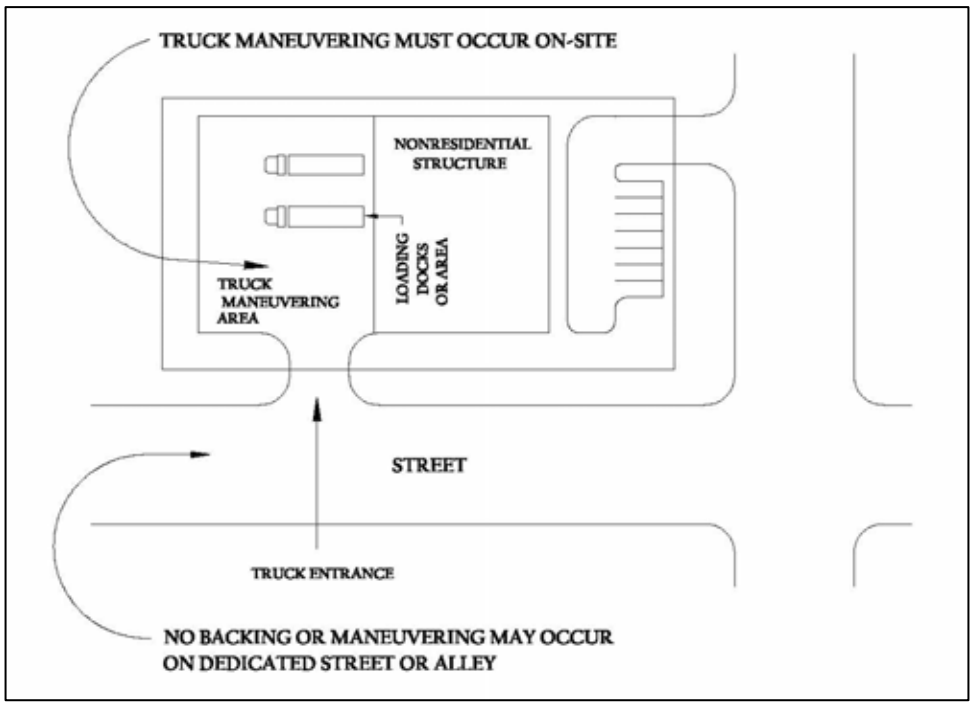


Illustration 33-3: Loading Area Screening

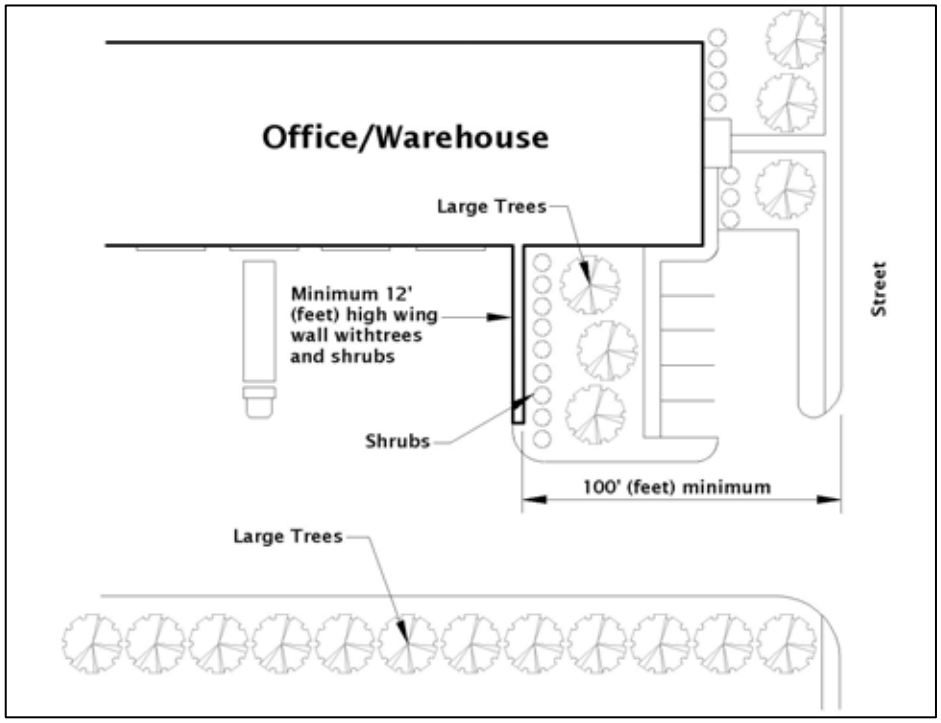
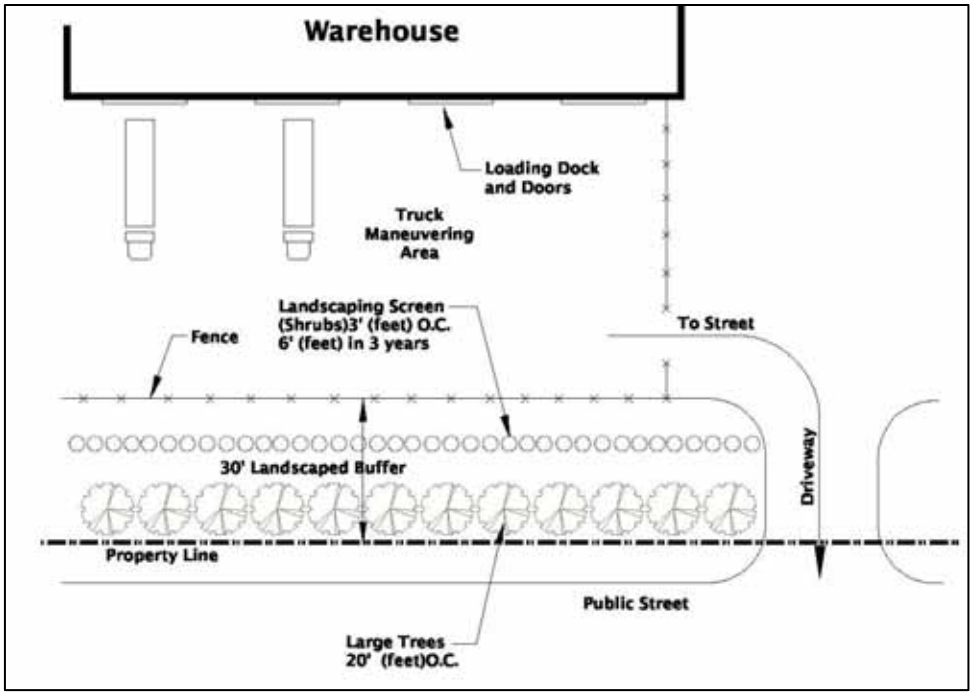


Illustration 33-4: Loading Area Placement & Screening in LI Zoning District



C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential district shall be designed and constructed so as to enclose the loading operation on at least three sides in order to reduce the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the required plan (i.e., Building Permit Plan, Concept Plan, Site Plan) provided that the approving authority (i.e., City staff, City Council) makes a finding that the alternative method of screening/buffering will be adequate to protect nearby residences.

D. Kindergartens, elementary schools, day schools, and similar child training and care establishments, and middle schools shall provide one (1) paved off-street pedestrian loading and unloading space (i.e., stacking spaces) for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence), not to exceed thirty (30) spaces. An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas. This standard shall be in addition to other off-street parking requirements.

E. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses, provided that: 1) the number of spaces satisfies the requirements for the combined square footages for the buildings or uses in question, and 2) for loading spaces to be shared among separate lots, they must be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the City (for file).

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

A. In the approval of the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan), design consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.

B. In all districts (except single-family and duplex zoning districts), the applicable required plan shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time of site plan and final plat approval.

C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as “head-in” parking spaces which are accessed directly from the street.

D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustration 33-1.

33.6 PARKING REQUIREMENTS BASED UPON USE:

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

1. **Automobile sales or service:** See Motor-Vehicle Sales.

2. **Bank, savings and loan, or similar institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 33.3 K.)

3. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use.

4. **Bowling alley or center:** Six (6) parking spaces for each alley or lane.

5. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces (also see Subsection 33.3 K.)

6. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Subsection 33.7(B))

7. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:

   a. Racquetball or handball courts - Three (3) spaces for each court

   b. Indoor tennis courts - Six (6) spaces for each court

   c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet.

   d. Dance/aerobics studio, or assembly/exhibition hall without fixed seats – One (1) parking space for each one hundred (100) square feet of floor area thereof.

   e. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area

   f. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet

   g. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet

   h. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3.5) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 33.7(B))

i. Amusement Center - One (1) space for each game table and one (1) space for each amusement device

j. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.

8. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area.

9. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area.

10. **Community center, library, museum or art gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains (see Subsection 33.7(B)).

11. **Convenience store/Gasoline Station:** One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.

12. **Day nursery, day care center, pre-school or pre-kindergarten:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per classroom and/or office, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle); also see stacking requirements in Subsection 33.4.D.

13. **Defensive driving school/class:** One (1) space for each classroom seat (see Subsection 33.7(B)).

14. **Fast-Food or Drive-In Restaurant:** One (1) parking space per one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 33.3 K.).

15. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet.

16. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas.

17. **Golf driving range:** One and one-half (1.5) spaces for each driving tee.

18. **Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area

19. **Hospital:** One (1) space for each bed based on full occupancy.

20. **Hotel or Motel:** One (1) space per guest room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas, plus the following:

    a. One and one-tenth (1.1) spaces for any guest room containing kitchenette facilities; and,

    b. Two (2) spaces for any guest room provided with full kitchen facilities.

21. **Lodge, philanthropic or fraternal organization:** One (1) space per two hundred (200) square feet.

22. **Lumber yard/home improvement center:** One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse.

23. **Manufactured home or manufactured home park:** Two (2) spaces for each manufactured home unit, plus visitor/supplemental parking in accordance with Section 23, plus additional spaces as required herein for accessory uses.

24. **Medical or dental office:** One (1) space per one hundred and fifty (150) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.

25. **Mini-warehouse:** Four (4) spaces per establishment, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.)

26. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 33.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.

27. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).

28. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.

29. **Office (business or professional):** One (1) space for each three hundred (300) square feet of floor area.

30. **Outdoor display:** One (1) space for each six hundred (600) square feet of open sales/display area.

31. **Pawn Shop:** One (1) space for each two hundred (200) square feet of floor area.

32. **Places of public assembly not listed:** One (1) space for each three (3) seats provided (see Subsection 33.7(B)).

33. **Restaurant, cafe or similar food service establishment:** One (1) parking space for each one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 33.3 K.).

34. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 33.3 K.).

35. **Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses.

36. **Rooming or boarding house, or group quarters:** One (1) parking space for each sleeping room at full occupancy, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift.

37. **School, elementary:** One (1) parking space for each fifteen (15) students (design capacity), plus one (1) large parking space for each bus to be parked on-site for any length of time other than student pick-up/drop-off. Also see Section 33.4(D).

38. **School, secondary or middle:** One (1) parking space for each twelve (12) students (design capacity). Also see Section 33.4(D).

39. **School, high school, technical school, college or university:** One space for each three (3) students, faculty and staff (design capacity). Also see Section 33.4(D).

40. **Storage or warehousing, wholesale distribution and light manufacturing:** One (1) space for each two thousand five hundred (2,500) square feet of total floor area not open to the public, plus one (1) space for each two hundred fifty (250) square feet of office space or areas open to the public such as sales areas.

41. **Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space.

42. **Terminal facilities, truck terminals, bus depots, and other similar transportation uses:** One (1) space for each one thousand (1,000) square feet of floor area, whichever is greater; for bus depot or other human transportation use, one (1) space per one hundred (100) square feet of passenger waiting area.

43. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 33.7(B))

44. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.

33.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES AND MISCELLANEOUS OFF-STREET PARKING REQUIREMENTS:

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

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

B. **"Seat"** shall be interpreted as follows:

1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals eighteen (18") inches of length; and

2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).

C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.

D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be recommended by the Planning & Zoning Commission, and shall be made/approved by the City Council, in conjunction with the request for classification of the new or unlisted use, as provided in Section 32.1 (D).

E. Whenever a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. If a building or use that was in existence prior to the effective date of this Ordinance is enlarged by more than fifty percent (50%) in floor area, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.

F. For buildings which have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be

allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see Subsection G. below).

G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall only be allowed if approved on the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan). To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement with the County, and shall provide a copy of the filed agreement to the City of Terrell prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

33.8 LOCATION OF PARKING SPACES:

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

A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more existing buildings or establishments, the required additional spaces may be located not to exceed three hundred (300) feet from any nonresidential lot served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval on the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan) is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within two hundred feet (200') of such building or structure providing:

   a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use; or

   b. That a long-term remote parking lease agreement be provided upon approval by the City as a condition of such use.

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

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

33.10 FIRE LANES:

A. Fire lanes shall be provided in all multi-family (and in some single-family attached), manufactured home, and nonresidential developments, as required by the adopted Fire Code of the

City (also see the Subdivision Ordinance for certain fire lane regulations). Fire lanes shall be constructed in accordance with the City of Terrell Technical Construction Standards and Specifications at a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code and/or the Fire Chief of the City of Terrell. The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14') for a linear distance of fifty feet (50') on each side (i.e., in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure (e.g., canopy, roof overhang, vertical height control device, etc.).

33.11 **SPECIAL REGULATIONS FOR RECREATIONAL/UTILITY VEHICLES (including RVs):**

A. For the purpose of these regulations, the term "recreational/utility vehicle" is defined as including boats, boat trailers, travel trailers, pickup campers and coaches (designed to be mounted upon automotive vehicles), motorized dwellings (RVs), tent trailers, utility trailers, livestock trailers, personal watercraft and the like, as well as cases or boxes used for storage or transporting such vehicles, whether occupied by such vehicles or not. No such vehicles shall be used for living, sleeping or housekeeping or similar purposes when parked or stored on a residential lot, or in any location not approved for such use, except as specified in this Ordinance.

B. No special motor vehicle, heavy load vehicle or recreational vehicle shall be left unattended or parked for more than twenty-four (24) hours within any parking lot, parking space(s), drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles).

C. All recreational/utility vehicles shall be parked on a suitably paved surface per Section 33.2.C above.

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SECTION 34 LANDSCAPE REQUIREMENTS

34.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family residential and agricultural uses, adjacent to public streets. Single- and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

34.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new construction, alterations, or additions (i.e., exceeding sixty percent (60%) of the original floor area, unless exempt under Chapter 245.004 Local Government Code) occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered and enforced by the Municipal Development Department. The landscape standards in this Section apply only to nonresidential and multi-family developments (including uses such as schools and churches within a residential zoning district).

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the Municipal Development Department shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established or restored within the allotted time, then such person shall be in violation of this Ordinance.

34.3 PERMITS:

A. No permits shall be issued for building, paving, or construction until a detailed landscape plan is submitted and approved by the Municipal Development Department, along with the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan). A landscape plan shall be required as part of the applicable required plan, as outlined in Section 12. The landscape plan may be shown on the applicable required plan (provided the plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan. All final finish grading, mowing of existing natural areas, fence lines, drainage ways, and right-of-way, removal of all rocks, concrete and other debris from areas which will be mowed shall be considered landscaping for the purpose of issuing a certificate of occupancy.

B. In any case in which a certificate of occupancy is sought at a season of the year in which the Municipal Development Department determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the

installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

C. Streetscaping or landscaping in right-of-way or common areas must have prior approval from the City and/or the Texas Department of Transportation (TxDOT) as to locations and plant selections.

34.4 LANDSCAPE PLAN:

Prior to the issuance of a building, paving, or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the Municipal Development Department. The Municipal Development Department shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features
D. Species and common names of all plant materials to be used
E. Size of all plant material to be used (container size, planted height, etc.)
F. Spacing of plant material where appropriate
G. Layout and description of irrigation, sprinkler, or water systems including location of water sources
H. Name and address of the person(s) responsible for the preparation of the landscape plan
I. North arrow/symbol, and a small map showing where the property is located
J. Date of the landscape plan

34.5 GENERAL STANDARDS:

The following criteria and standards shall apply to landscape materials and installation:

A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.

B. Plant materials shall conform to the standards of current edition of the “American Standard for Nursery Stock” (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.

C. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the

same so as to create the equivalent of fifteen feet (15') of crown spread. Large trees shall be a minimum of three inches (3") in caliper (measured twelve inches (12") above the ground) and seven feet (7') in height at time of planting. Small ornamental trees shall be a minimum of one and one-half inch (1.5") in caliper and five feet (5') in height at time of planting.

D. Shrubs not of a dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).

E. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.

F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion. If grass seed is planted due to seasonal considerations that is of a temporary nature to prevent erosion (i.e. rye grass) then a permanent variety must be over seeded and established within six (6) months of the original seeding.

G. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

H. All required landscaped areas shall be equipped with an automatic, underground irrigation system with freeze- and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than twenty (20) square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the Zoning Board of Adjustments may waive the requirement for an underground irrigation system (see Section 9.6.F). However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.

I. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.

34.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY DEVELOPMENTS:

A. For all nonresidential and multi-family developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least ten percent (10%) of the street yard shall be permanently landscaped area (see Illustration 34-1). The street yard shall be defined as the area between the building front and the front property line (which is not necessarily the front street right-of-way line if lots are platted between the building front and the street itself).

C. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare is required. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. One (1) large shade tree shall be required per fifty (50) linear feet (or portion thereof) of street frontage. Trees may be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped buffer area may be included in the required street yard landscape area percentage.

D. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces for parking lots having more than twenty (20) spaces. Within parking lots, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one tree. All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs. The area of parking lot landscaping islands shall be in addition to the required street yard landscape area percentage.

E. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

F. Only shrubs, groundcovers or small ornamental trees shall be planted under existing or proposed overhead utility lines or over buried utilities.

34.7 **TREE PRESERVATION:**

A. During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees.

B. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

C. All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of five feet (5') by five feet (5').

D. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

Diameter of Existing Tree	Credit Against Tree Requirement
3" to 6"	1.0 tree
6" to 10"	1.5 trees
10" to 15"	2.0 trees
15" or more	3.0 trees

E. Due to their limited height, size and value as quality shade trees, mesquite and hackberry trees will receive only fifty (50%) percent of the above credit for tree preservation. All other existing

trees may receive credit if they are not on the City's recommended plant material list but approved by the Director, or his designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a two inch (2") minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half feet (4½') above natural grade. No living trees greater than eight (8") inches in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance. However, certain nuisance, hazardous, diseased, or noxious trees may be required to be removed in the preparation of the site for construction as determined by a site inspection by the Director or his designee and shall not require mitigation.

34.8 MAINTENANCE:

A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass of six (6") inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials, which die, shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six (6") inches measured twenty-four (24") inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three (3") inches measured twenty-four (24") inches above the ground. A time extension may be granted by the Director, or his designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

B. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 7.

34.7 SIGHT DISTANCE AND VISIBILITY:

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Visibility clearance shall be provided such that no landscaping, fence, wall, architectural feature, screening, earth mounding (berms), signs, etc. shall obstruct the vision of a motor vehicle operator approaching any street, alley or driveway intersection as provided herein. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8'). A drive access serving large vehicles, such as delivery trucks, shall provide an unobstructed cross-visibility at a level between thirty inches (30”) and nine feet (9’). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

A. The areas of property on both sides of the intersection of an alley access way and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty feet (20’) in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

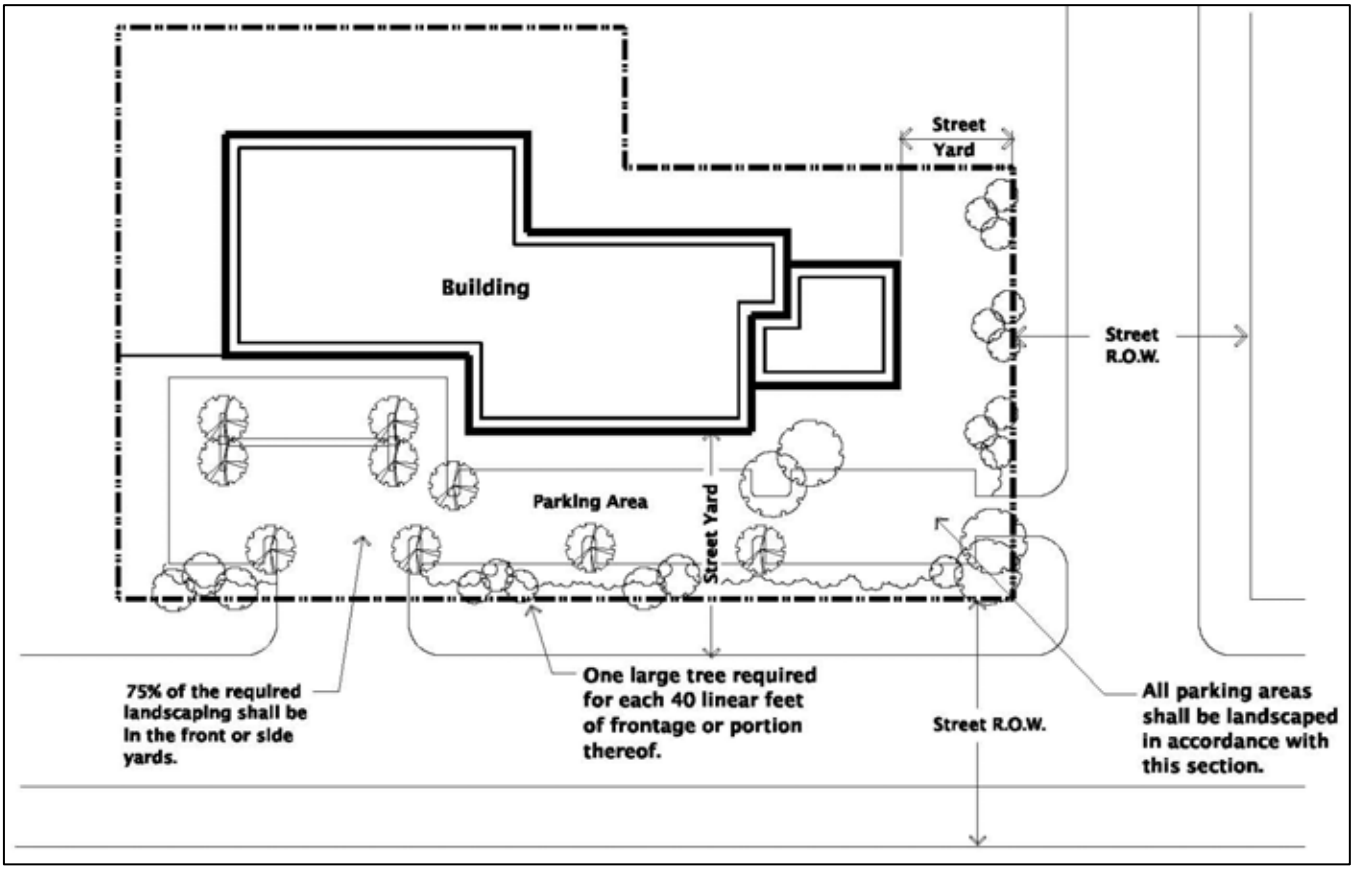
C. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with

two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides. For any intersection where the posted speed limit for cross traffic is forty-five miles per hour (45 mph) or more the sides of the visibility triangle shall be increased to forty-five feet (45') per side along the right-of-way.

D. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any access way pavement.

E. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Municipal Development Department, the required landscaping set forth herein may be reduced or relocated to the extent to remove the conflict.

Illustration 34-1: Landscape Requirements



RECOMMENDED PLANT LIST

Large Trees
(within parking areas or as street trees)

Green Ash (Fraxinus pensylvanica)
White Ash (Fraxinus americana)
Bald Cypress (Taxodium distichum)
Pond Cypress (Taxodium mucronatum)
American Elm (Ulmus americana) (Existing specimens are to be preserved since they are among Terrell's largest native shade trees, but not recommended for planting.)
Lacebark Elm (Ulmus parvifolia)
Cedar Elm (Ulmus crassifolia) (Avoid Winged Elm [Ulmus alata], which is similar but not adapted.)
Ginkgo (Ginkgo biloba)
Chinquapin Oak (Quercus muehlenbergii)
Live Oak (Quercus virginiana)
Shumard Oak (Quercus shumardii)
Water Oak (Quercus nigra)
Chinese Pistache (Pistacia chinensis)
Sweetgum (Liquidambar styraciflua)

Large Trees
(non-vehicular areas)

Arizona Cypress (Cupressus glabra)
Southern Magnolia (Magnolia grandiflora)
Bur Oak (Quercus macrocarpa)
Pecan (Carya illinoiensis)
Common Persimmon (Diospyros virginiana)
Western Soapberry (Sapindus Drummondii)

Small Trees

Eve's Necklace (Sophora affinis)
Possumhaw Holly (Ilex decidua)
Yaupon Holly (Ilex vomitoria)
Crape Myrtle (Lagerstroemia indica)
Southern Wax Myrtle (Myrica cerifera)
Lacey Oak (Quercus glaucoides)
Vasey Oak (Quercus pungens var. vaseyi)
Aristocrat Pear (Pyrus calleryana 'Aristocrat') (Avoid Bradford Pear [P. c. 'Bradford'].)
Eldarica Pine (Pinus eldarica)
Mexican Plum (Prunus mexicana)
Golden Rain Tree (Koelreuteria paniculata)
Redbud (Cercis canadensis)
Shining Sumac (Rhus copallina)
Rusty Blackhaw Viburnum (Viburnum rufidulum)

Evergreen Shrubs
(acceptable for low [5' or less] screening)

Dwarf Abelia (Abelia grandiflora 'Edward Goucher')
Japanese Boxwood (Buxus microphylla var. japonica)
Elaeagnus pungens 'Fruitlandii'
Berries Jubilee Holly (Ilex cornuta 'Berries Jubilee')
Carissa Holly (Ilex cornuta 'Carissa')
Dazzler Holly (Ilex cornuta 'Dazzler')
Dwarf Burford Holly (Ilex cornuta 'Dwarf Burford')
Dwarf Chinese Holly (Ilex cornuta 'Rotunda')
Dwarf Yaupon Holly (Ilex vomitoria 'Nana')
Nandina (Nandina domestica)

Evergreen Shrubs
(acceptable for 6' screening)

Glossy Abelia (Abelia grandiflora)
Cleyera (Ternstroemia gymnanthera)
Burford Holly (Ilex cornuta 'Burford')
Chinese Horned Holly (Ilex cornuta)
Mary Nell Holly (Ilex x 'Mary Nell')
Needlepoint Holly (Ilex cornuta 'Needlepoint')
Waxleaf Ligustrum (Ligustrum japonicum)

Large Evergreen Shrubs/Small Trees
(screening over 6' tall)

Leyland Cypress (Cupressocyparis leylandii) (30-40')
Nellie R. Stevens Holly (Ilex cornuta 'Nellie R. Stevens') (10-15 ')
Cherry Laurel (Prunus caroliniana) (12-20')
Glossy Ligustrum (Ligustrum lucidum) (20-25')
Little Gem Magnolia (Magnolia grandiflora 'Little Gem') (to 20')
Chinese Photinia (Photinia serrulata) (12-20') (Avoid Red-Tip Photinia [P. x fraseri])

Other Shrubs

Barberry (Berberis spp.)
American Beautyberry (Callicarpa americana)
Indian Hawthorn (Raphiolepis indica)
Wilson Holly (Ilex x altaclarensis 'Wilsonii')
Earth-Kind (TAMU) Roses
Savannah Holly (Ilex x 'Savannah')
Rose-of-Sharon (Hibiscus syriacus)
Autumn Sage (Salvia gregii)
St. Johnswort (Hypericum patulum 'Henryi')
Spiraea spp.
Chastetree (Vitex agnus-castus)
Juniper (Juniperus spp.)
Loropetalum

Ground Covers

Purpleleaf Honeysuckle (Lonicera japonica'Purpurea')
English Ivy (Hedera helix) (shade only)
Asian Jasmine (Trachaelospermum asiaticum)
Trailing Juniper (Juniperus spp.)
Harbour Dwarf Nandina (Nandina domestica 'Harbour Dwarf')
Mondograss (Ophiopogon spp.)
Vinca minor (Avoid V. major.)
Liriope muscari (Avoid L. spicata.)
Hardy Plumbago (Ceratostigma plumbaginoides)

Notes:
1. Plants in *italics* are preferred due to their lower water demand, as designated in "Landscape Water Conservation … Xeriscape", published on the web at: http://aggie-horticulture.tamu.edu/extension/xeriscape/xeriscape.html.
2. Additional plant materials may be approved on the landscape plan for landscaped areas, as may be appropriate for the use and effect intended.
3. Additional information about selecting the best varieties of plants for your region can be obtained from the Urban Landscape Guide: http://floriculture.tamu.edu:7998/urbanlandscapeguide/zipcode.html

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SECTION 35 ACCESSORY STRUCTURE AND USE REGULATIONS

35.1 In a single-family or multi-family district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory structures shall be located toward the rear portion of the property, and shall conform to applicable provisions of the Building Code. (Also see Section 37 for exterior construction standards.)

35.2 In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located toward the rear portion of the property. Accessory buildings shall conform with applicable provisions of the Building Code. (Also see Section 37 for exterior construction standards.)

35.3 Accessory dwelling units in the AG, and SF-16 zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:

A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.

B. The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed of masonry materials that are similar in appearance to the main structure if over four hundred (400) square feet in size.

C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.

D. Setback requirements shall be the same as for the main structure.

E. Accessory dwellings are not permitted without the main or primary structure.

35.4 Accessory dwellings shall conform to the height limitations of the zoning district in which it is located. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

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

A. **Size of Yards:**

1. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.

2. **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from an interior side yard shall have a minimum setback of twenty-five feet (25') from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.

3. **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line, except that; a) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; b) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or c) accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').

B. Carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley (see Illustration 38-2), and shall be constructed of materials like the main building(s) on the premises. In single-family and two-family zoning districts, carports shall be a maximum size of forty feet (40') deep and twelve feet (12') wide. In multi-family and nonresidential zoning districts, carports shall be a maximum size of three (3) bays in width and one (1) bay in depth.

C. Accessory buildings are not permitted without a main structure.

D. Accessory buildings shall not exceed the height allowed for such buildings in the specific zoning district wherein it is located. Garage/accessory dwelling units up to two (2) stories are allowed in certain districts (see Section 32.2) by SUP if there is no adverse impact upon adjacent properties.

E. Exterior Construction Standards for Accessory Buildings: See Section 37 of this Ordinance.

SECTION 36 FENCING, WALLS AND SCREENING REQUIREMENTS

36.1 PURPOSE:

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

36.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED HOME PARKS:

A. In the event that any new multi-family, non-residential uses, or manufactured home parks side or back upon a single-family, two-family or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family district, an engineered solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

   1. The owner of the multi-family or manufactured home property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district.

   2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

   3. Any screening wall or fence required under the provisions of this Section or under a Specific Use Permit, Planned Development district, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

   4. Alternative equivalent screening may be approved through the process of approving the required applicable plan (refer to Section 12).

B. In nonresidential, multi-family and manufactured home districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line). In this case, the screening fence/wall shall be extended out to the street right-of-way line by the developer of the nonresidential, multi-family or manufactured home development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the main buildings (except for a manufactured home park). Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential, multi-family or manufactured home development (see Section 34.7 for sight visibility requirements).

C. See Section 34.7 for sight visibility requirements for fences and screening walls.

D. Open storage of materials, commodities or equipment (see Section 32.2, Use Charts, for zoning districts permitting outside storage) shall be screened with a minimum six-foot (6') fence or wall, and shall not be visible from the street or from adjacent property. (See definition of outside storage in Section 44.)

E. In districts permitting open storage, screening shall be required for those areas used for open storage. No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Permit. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

1. Solid masonry (brick, concrete block or concrete panels)
2. Wrought iron with solid landscape screening
3. Alternate equivalent screening may be approved through the approval process for the required applicable plan (refer to Section 12).

F. Refuse storage areas (including all dumpsters) which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, single-family attached, multi-family and manufactured home park uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides (see Illustrations 36-1 and 36-2 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the required applicable plan approval process, Section 12. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 36-1.

G. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the Municipal Development Department for review and approval prior to construction of said screening/fencing.

36.3 FENCES IN RESIDENTIAL AREAS:

A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.

B. Except as provided by (1.) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.

1. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding four feet (4') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.

2. Decorative ornamental iron fencing may be constructed up to six feet (6') in height within the front yard only in the AG zoning district, and only on lots exceeding one (1) acre in size in

other districts. Such fences shall have openings not less than fifty percent (50%) of the fence area, and shall not interfere with traffic visibility (see Section 34.7).

C. It shall be unlawful for any owner or person in control of such premises, or his agent or contractor to construct a new fence, extend an existing fence line on any lot without having first obtained a fence permit from the Municipal Development Department. The repair or replacement of fence material already in existence shall be deemed normal routine maintenance and does not require a permit.

D. Gates designed for vehicular access and all garage doors shall be set back from the property line a minimum of twenty-five feet (25').

E. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City of Terrell's codes/ordinances pertaining to same.

F. See Section 34.7 for sight visibility requirements for fences and screening walls.

G. Special purpose fencing, such as fencing around tennis courts, is allowed only upon issuance of a permit from the City. The maximum height of such fencing shall be twelve (12) feet.

36.4 PROHIBITED FENCES AND MATERIALS:

A. No fence or any part of such fence shall be constructed upon or caused to protrude over any adjacent properties. If any fence is constructed on an adjacent property, the owner or person in control of such premises will be notified by mail to remove the fence. After ten (10) days of the receipt of the notification, if the fence is not removed the owner or person in control of such premises, will be deemed in violation of this ordinance.

B. No fence or any part of such fence shall alter the natural drainage or planned drainage on any lot.

C. All fences must be maintained in a plane so as not to overhang on a separate lot.

D. No fence shall be located within any easement or alleys except by prior written approval of those agencies having interest in such easement.

E. No fence shall be electrically charged.

F. Materials prohibited are products such as wood, metal or plastic that is not specifically designed as fencing material. These products include aluminum, barbed wire, chain, chicken/hog wire, corrugated metal, electric fence, fiberglass panels, metal panels, netting, paneling, paper, plywood, razor ribbon wire, rope, string, temporary barrier fencing, used or second-hand material, welded wire fabrics, wire fabrics and any material that could be deemed a public safety hazard.

G. Exceptions: Barbed wire is permitted for fencing when:

1. Used for farm or ranching purposes on undeveloped land over three (3) acres in size.

2. In rear and side yards in industrial zoned districts when the following conditions are met:
   a. All strands of barbed wire must be a minimum of six feet (6') above ground level.
   b. All barbed wire fences must be located a minimum of three hundred feet (300') from any residential zoned districts.

Illustration 36-1: Refuse Containers – Access & Enclosure

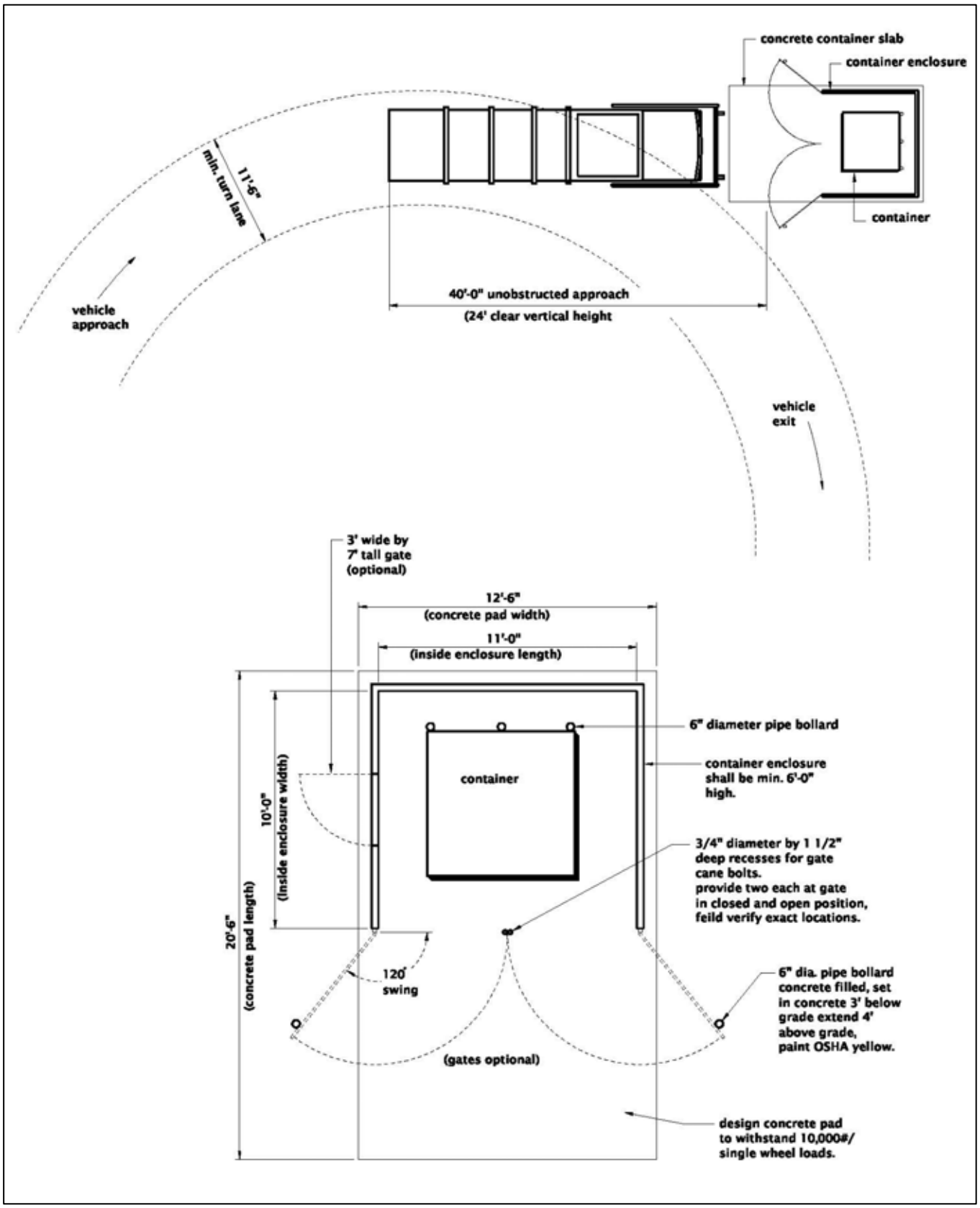
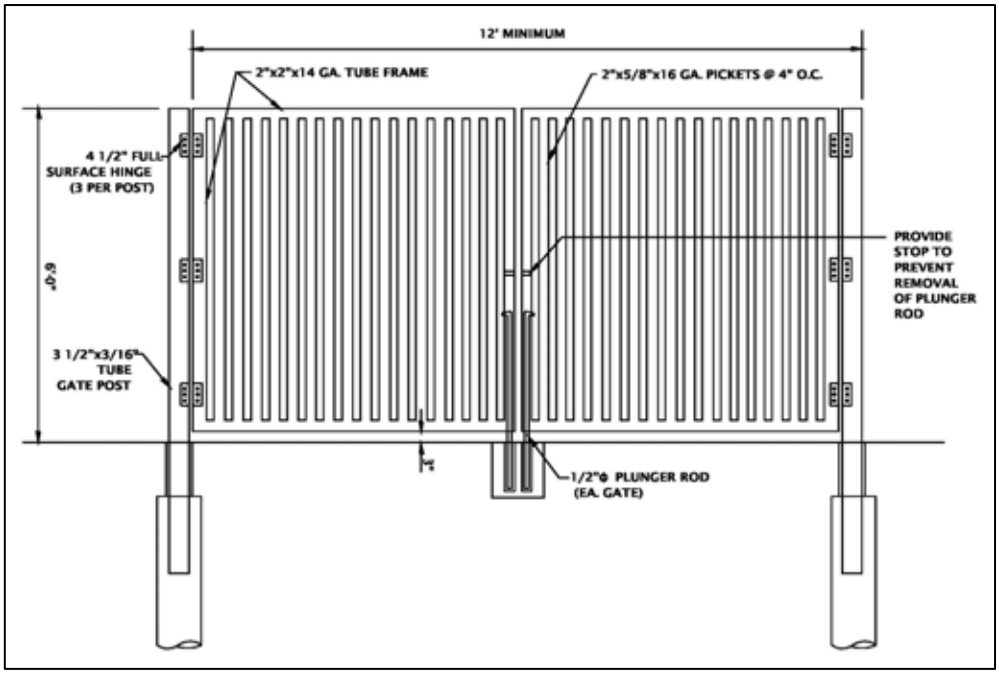


Illustration 36-2: Typical Refuse Container Screening Gate



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SECTION 37 EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

37.1 **PURPOSE:**

The City Council of the City of Terrell finds that it is necessary to regulate the exterior finish and appearance of buildings that are erected within the City in order to insure the consistency in quality, compatibility, and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and manmade forces over time and a safe environment for those occupants, equipment, and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood or surroundings.

37.2 **DEFINITIONS:**

A. For the purpose of this Section, the following definitions shall apply:

Masonry Construction – This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:

Hard fired brick – shall be kiln fired clay or slate material and can include concrete brick if it is to the same American Society for Testing and Materials (ASTM) standard for construction as typical hard fired clay brick. The material shall be Severe Weather grade. Unfired or under-fired clay, sand or shale brick are not allowed.

Stone – includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior construction material. Cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance.

Decorative concrete block – shall be highly textured finish such as split-faced, indented, hammered, fluted, ribbed, or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted on.

Concrete pre-cast or tilt wall panel – shall be of an architectural finish that is equal to or exceeds the appearance and texture of face brick or stone. Coloration shall be integral to the masonry material and shall not be painted on.

Stucco – an exterior plaster made from a mixture of cement, sand, lime and water spread over metal screening or chicken wire or lath.

Exterior Insulated Finish System – a synthetic stucco cladding system that typically consists of the these main components:
Panels of expanded polystyrene foam insulation installed with adhesive or mechanically fastened to the substrate, usually plywood or oriented strand board;

A base coat over the foam insulation panels,
A glass fiber reinforcing mesh laid over the polystyrene insulation panels and fully imbedded in the base coat; and a finishing coat over the base coat and the reinforcing mesh.

Exterior Wall Surface – All areas of a structure's wall sections located above the finish floor elevation of the foundation, exclusive of doors and windows.

37.3 **MINIMUM EXTERIOR CONSTRUCTION STANDARDS**

A. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within any zoning district in the City of Terrell as follows:

Single-Family and Two-Family Residential - The first floor exterior wall surface of all new single-family and two-family dwellings shall be of 100% masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement for the first floor.

A minimum of 75% of the exterior wall surfaces above the first floor shall be of masonry construction. Architectural trim features such as dormers or gables shall not be counted as exterior wall surface when calculating the masonry requirement above the first floor and may be located on any wall surface.

B. Multiple-Family Dwellings - All exterior wall surfaces of all new multiple-family dwellings shall be of 100% masonry construction. Covered breezeways and areas of exterior walls located directly beneath covered porches, patios and balconies that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

C. Non-Residential Structures - All exterior wall surfaces of all new non-residential structures shall be of 100% masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

D. Applicability - The Minimum Exterior Construction Standards established in this Section shall not apply to the following class or kind of buildings:
   1. Public or governmental facilities;
   2. Public or private schools;
   3. Facilities located within industrial parks that were developed or are managed by the Terrell Economic Development Corporation. The Terrell Economic Development Corporation receives funds from 4A sales tax revenues governed by the City Council of the City of Terrell. These industrial parks shall abide by deed restrictions governing exterior construction standards as agreed to by the Terrell City Council.
   4. Detached accessory buildings having not more than four hundred (400) square feet of floor area when located on the same lot as a single-family or two family dwelling. Accessory Dwelling Units as defined by the Zoning Ordinance are not considered detached accessory buildings in the application of this Subsection.
   5. Temporary construction and material storage buildings utilized during construction of

permanent improvements on a parcel of land, within subdivision or other similar circumstance such as a public works project. The temporary structure temporary structure shall be completely removed upon the expiration of its building permit or upon completion of the permanent improvement, whichever occurs first.

6. Barns and farm accessory buildings if such buildings are used solely for agricultural purposes.
7. Historic Landmarks designated by the City Council.
8. Remodeling, renovating or expansion of existing single-family or two-family dwellings when matching materials (or materials that simulate the appearance of the existing exterior) are utilized.

37.4 ALTERNATIVE EXTERIOR MATERIALS

The City Council may, approve an alternative exterior construction material(s) only upon a determination that the proposed materials are:

1. sufficiently durable, and fire and weather resistant to achieve the stated purpose of these requirements; and
2. The proposed building materials and arrangement of the materials provide consistency of appearance with existing structures on the property or within the neighborhood in which it is located, or
3. The proposed building material(s) create an appearance that associates a time, a place, an event, or an activity with the development in a thematic manner.

All requests to utilize an alternative exterior construction material(s) shall be in writing and shall address the durability of the proposed material(s) as described in Subsection 37.4(i) above, along with an explanation of its use as it relates to Subsection 37.4(ii) or (iii) above.

Such requests shall be accompanied by a site plan and a façade plan in the case of an individual structure or group of structures developed as a single non-residential project. In the case of a residential development involving the utilization of an alternative exterior construction material(s) on a neighborhood wide basis, a concept plan or approved plat and typical façade treatments shall accompany the request. The City may require the submission of an actual sample(s) of the proposed alternative exterior construction material(s).

A request to utilize an alternative exterior construction material(s) shall be submitted to the Building Official. The City Council shall consider the request within thirty (30) days of submittal. The approval of an alternative exterior construction material(s) shall be on a case by case basis and is solely at the discretion of the City Council.

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SECTION 38 SUPPLEMENTAL REGULATIONS

38.1 A. **Measuring Setbacks -** All setback measurements shall be made in accordance with Illustrations 38-1 thru 38-8.

B. **Configuration of Lots -** Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

C. **Building Setbacks** – All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this Ordinance. Setbacks established on a recorded plat shall only be changed through replat proceedings (see Subdivision Ordinance).

38.2 **FRONT YARD:**

A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard.

B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard shall not be enclosed.

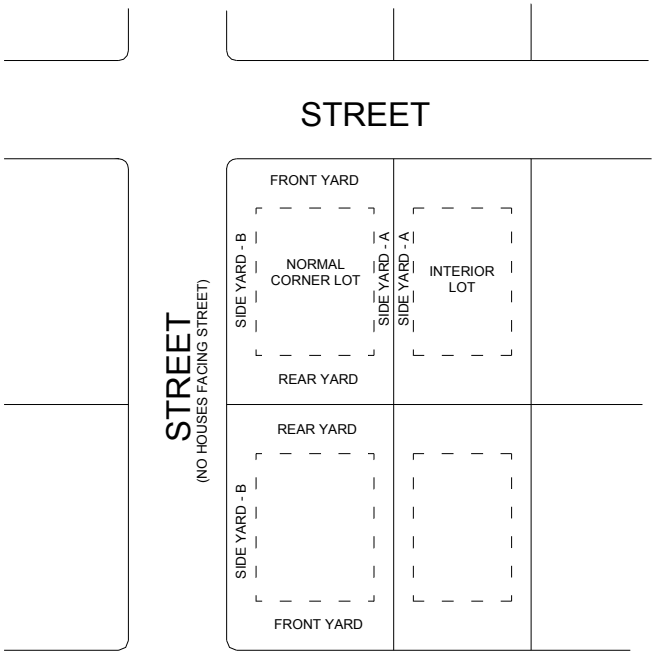
D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet (5') on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.

E. See Section 42.1 for special front yard regulations and setbacks for gasoline service station pump islands and canopies.

F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

ILLUSTRATION 38.1

RESIDENTIAL SETBACK DETAILS



LEGEND

FRONT YARD - PER DISTRICT REQUIREMENT

REAR YARD - PER DISTRICT REQUIREMENT

SIDE YARD - A - PER DISTRICT REQUIREMENT

SIDE YARD - B - FIFTEEN FEET (15')

SIDE YARD - C - SAME AS FRONT YARD SETBACK

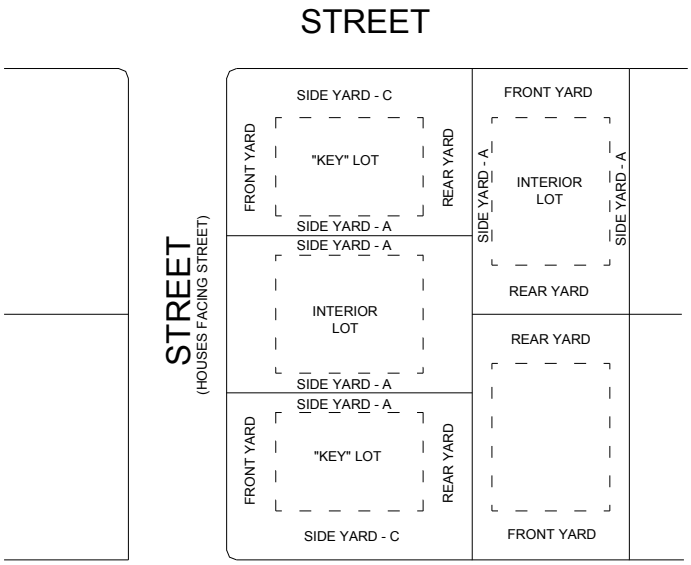
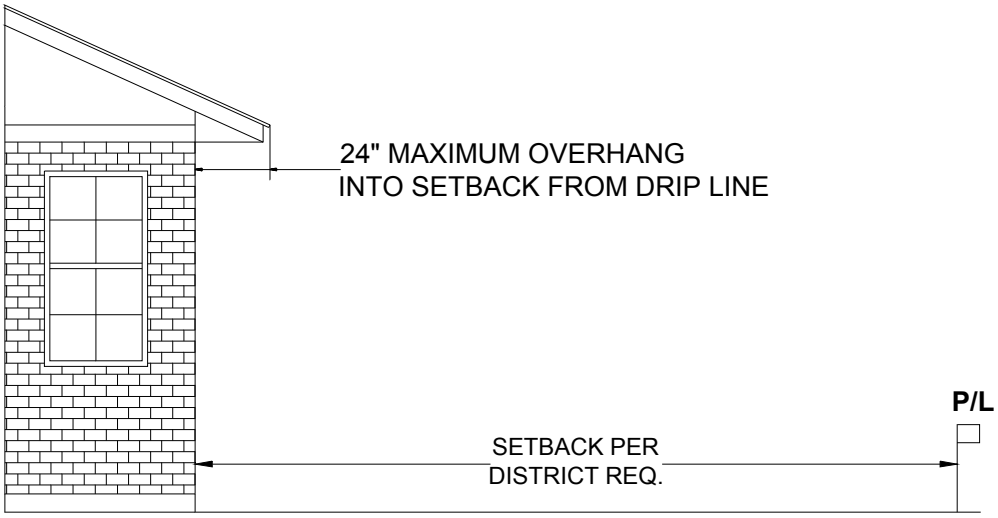


ILLUSTRATION 38.2

RESIDENTIAL SETBACK DETAILS

Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.



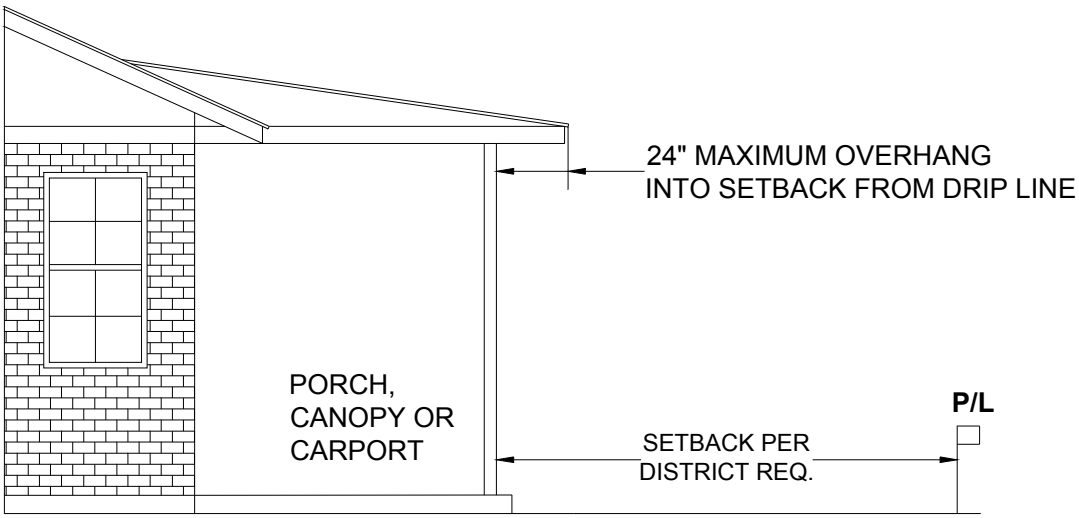


Illustration 38-3: Flag Lot
(i.e. Front Lot Line Not Adjacent to the Front Street Line)

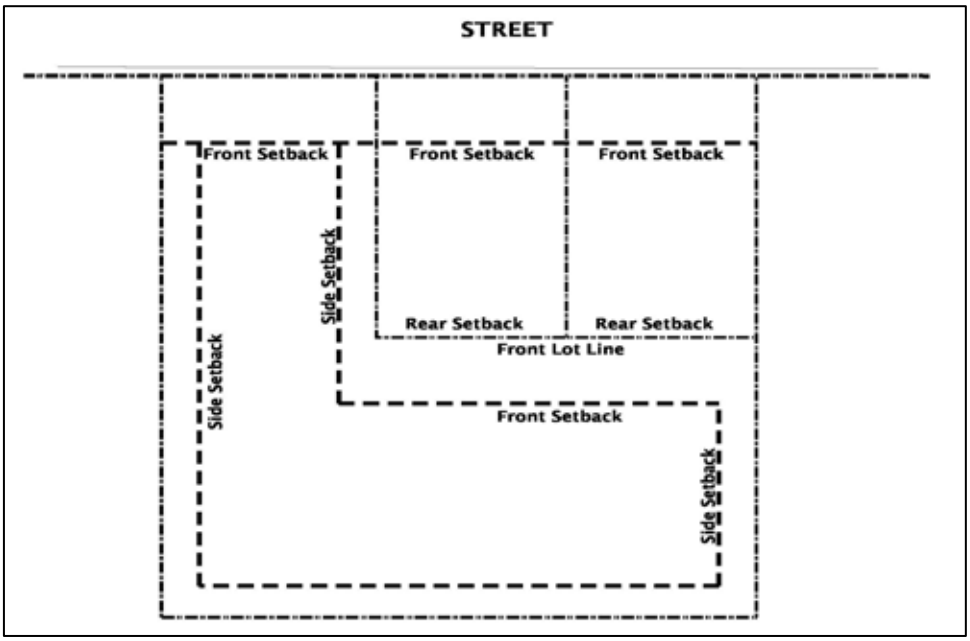


Illustration 38-4: Front Yard Where Zoning Changes in a Block

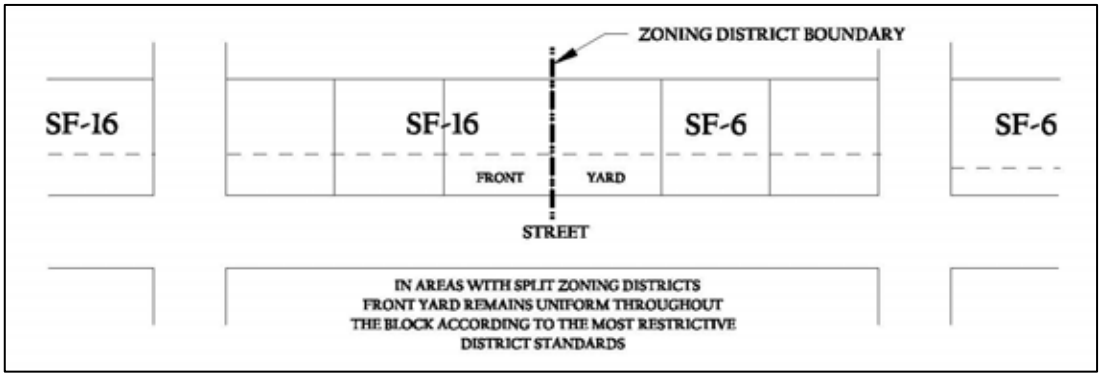


Illustration 38-5: Floor Area Ratio

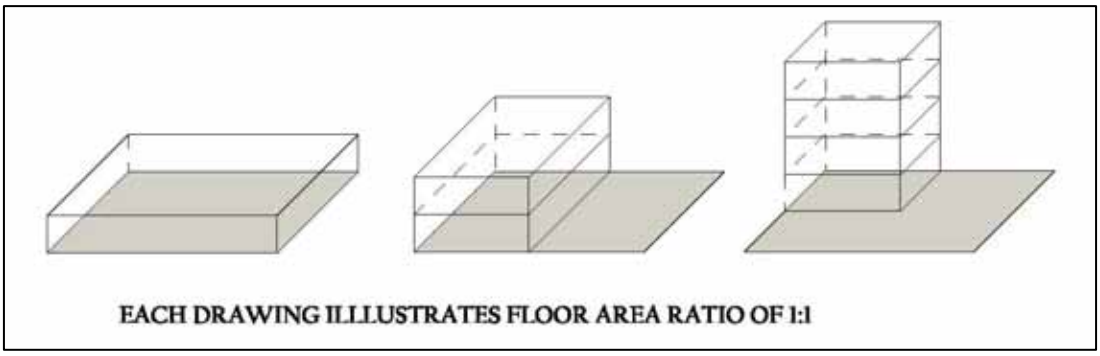


Illustration 38-6: Lot Width

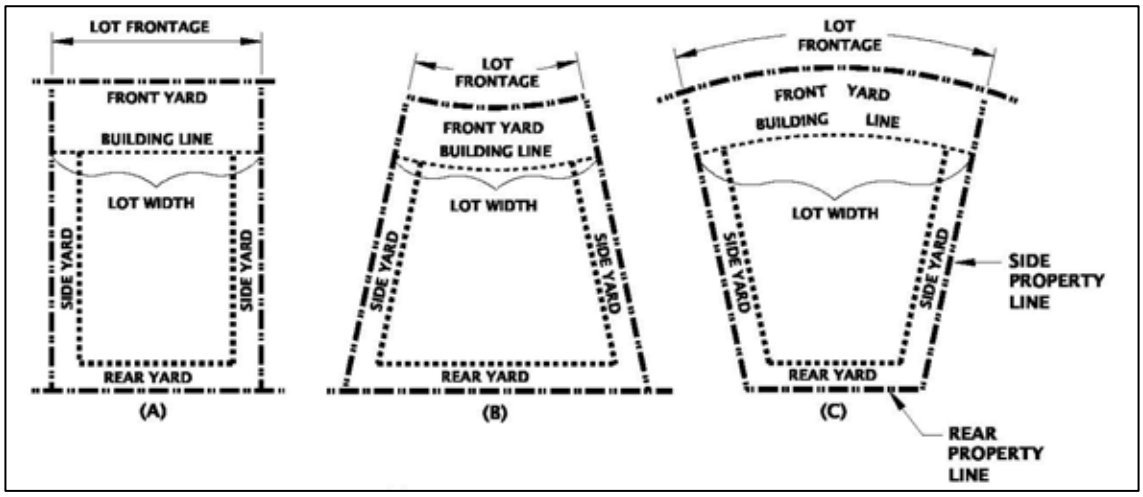


Illustration 38-7: Lot Area & Depth

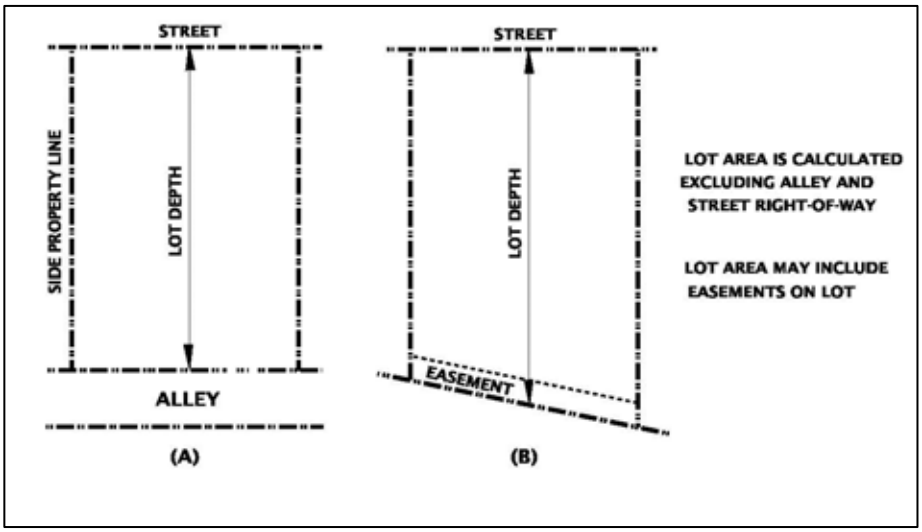
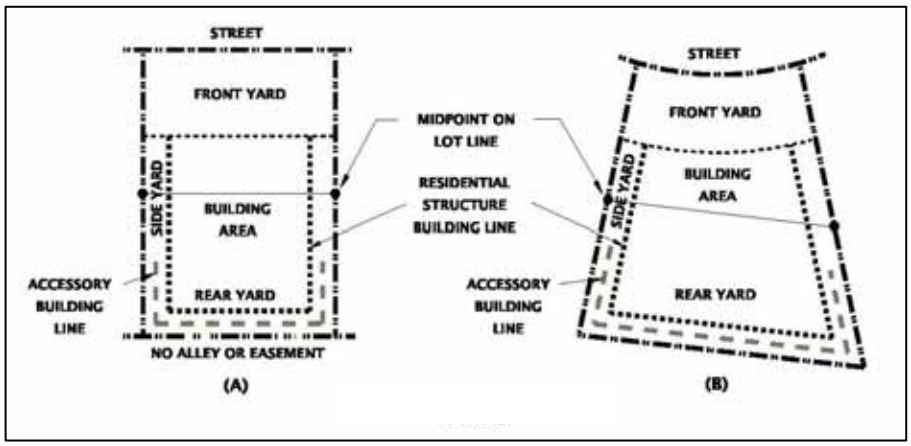


Illustration 38-8: Lot Width



38.3 **SIDE AND REAR YARDS:**

A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Municipal Development Department, with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.

B. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the property line. The minimum separation between buildings shall be maintained, per the City's Building Code.

38.4 SPECIAL HEIGHT REGULATIONS:

A. In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer's penthouse not exceeding fifty square feet in size) utility or industrial structures, and City or School District buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two (2) additional feet shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

38.5 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:

A. APPLICABILITY:

1. These regulations apply to all commercial and amateur antennae and support structures, unless exempted in Subsection 2 below.

2. Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:

   a. In any zoning district, antennae that are one meter (i.e., 39 inches) or less in diameter;

   b. In a non-residential zoning district, antennae that are two meters or less in diameter;

   c. In any zoning district, antennae designed to only receive television broadcasts;

   d. In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and

e. In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.

3. Support structures or antennae legally installed before the effective date of this Ordinance are not required to comply with this Ordinance, but must meet all applicable State, Federal and local requirements, building codes and safety standards.

B. **SPECIAL DEFINITIONS** - For the purpose of this Section, the following special definitions shall apply:

1. **Antenna, Microwave Reflector & Antenna Support Structure** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

2. **Antenna (Non-Commercial/Amateur)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna.

3. **Antenna (Commercial)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.

4. **Collocation** - The use of a single support structure and/or site by more than one communications provider.

5. **Communications Operations (Non-Commercial/Amateur)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

6. **Communications Operations (Commercial)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

7. **Height** - The distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

8. **Radio, Television or Microwave Tower -** See "Antenna, Microwave Reflector & Antenna Support Structure".

9. **Telecommunications Tower or Structure -** See "Antenna, Microwave Reflector & Antenna Support Structure".

10. **Temporary/Mobile Antenna -** An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only (i.e., not intended to be permanent), usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

11. **Wireless Communication Tower or Structure -** See "Antenna, Microwave Reflector & Antenna Support Structure".

C. **GENERAL REQUIREMENTS:**

1. Antennae and support structures may be considered either principal or accessory uses.

2. Antenna installations shall comply with all other requirements of the Zoning Ordinance and the Code of Ordinances with the exception of those specifically cited within these regulations.

3. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to one and one-half the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.

4. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.

5. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.

6. A building permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see Section 38.5A. above). All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners/users shall have thirty (30) calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.

7. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Terrell's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.

8. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.

9. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

10. Temporary antennae shall only be allowed in the following instances:

    a. In conjunction with a festival, carnival, rodeo or other special event/activity;

    b. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;

    c. When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.

11. Collocation is greatly encouraged by the City.

    a. All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.

    b. A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by SUP, then its new location shall be within the physical/land boundaries of the SUP). The original (i.e., former) support structure shall be removed from the property within ninety (90) calendar days following completion of the new structure.

    c. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

12. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop, and such screening device shall be architecturally compatible with the design and materials of the building. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning

district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures.

13. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39") in diameter and antennae do not extend over ten feet (10') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the Municipal Development Department prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

14. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than one meter (39") in diameter (only one allowed if over one meter in diameter). Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the Municipal Development Department.

15. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

16. Any publicly owned antennae or antenna support structures shall be permitted in any zoning district (e.g., public safety communications, etc.), however, setbacks and other applicable standards shall apply.

17. In all residential zoning districts (including AG, SF-16, SF-10, SF-7.5, SF-6, TH-12, MF-22 and MH), commercial antennae and antenna support structures are prohibited, except as specified within this Section.

    a. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure (see Subsection 38.5C.3. above).

    b. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Subsection 38.5C.3. above). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and it is not readily visible or identifiable as an antenna from public roadways or from neighboring residential properties.

18. In nonresidential zoning districts (including O, NS, R, CBD, C, and LI), commercial antennae and antenna support structures are allowed as follows:

a. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.

b. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure (see Subsection 38.5C.3. above).

c. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Subsection 38.5C.3. above). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.

38.6 MINIMUM DWELLING UNIT AREA:

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

38.7 OPEN STORAGE AREAS:

Open long-term storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display (see definition of outside display in Section 44; see screening requirements in Section 36.

38.8 NONRESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS:

A. Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts (AG, SF-16, SF-10, SF-7.5, SF-6, TH-12, MF-22 and MH) shall be designed and constructed such that they conform to the development standards set forth in the Retail (R) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Ordinance or in an ordinance establishing a PD.

38.9 ACCESS STANDARDS FOR NONRESIDENTIAL AND MULTI-FAMILY LOTS:

A. All nonresidential lots (including pad sites) shall share driveway curb openings via mutual access easements from one lot to adjacent lots (for fire and emergency access, as well as for public convenience).

B. All nonresidential and multi-family lots (including pad sites) shall have either direct or indirect (via mutual access/fire lane easements on adjacent property) access to a median opening if located on a median-divided roadway (existing or planned in the future). Driveways for all nonresidential and multi-family lots (including pad sites) shall align, to the greatest extent possible, with any existing or proposed driveways on the other side of any type of roadway.

SECTION 39 PERFORMANCE STANDARDS

39.1 PERFORMANCE STANDARDS – GENERAL:

A. **Compliance Required:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining the premise. 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 determination of their existence.

B. **Standards:**

1. Smoke: The requirements of the TCEQ.

2. Particulate Matter: The requirements of the TCEQ.

3. Odor: No establishment or operation shall permit odors which are detectable at the property line in Commercial and Light Industrial Districts and which offensively affect the sense of smell.

4. Toxic Material: The emission of toxic and noxious materials shall not produce concentrations exceeding 10% of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted as the annual meeting of the American conference of Governmental Industrial Hygienists, at a zone boundary line.

5. Glare: No direct or sky-reflected glare, whether from artificial light or from high-temperature processes such as combustion or welding or otherwise shall be allowed to cross a zoning district boundary line, and should be prevented by shielding or other methods or means.

6. Vibration: No continuous earth borne vibration shall be permitted which is discernible without instruments at the points of measurement along the nearest adjacent property line.

7. Noise: Any unreasonably loud, disturbing, unnecessary noise in excess of 85 decibels at a distance of fifty feet (50') from the property line which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is prohibited.

   Any noise of such character, intensity and continued duration in excess of 85 decibels at a distance of fifty feet (50') from the property line which substantially interferes with the comfortable enjoyment of a dwelling, hotel or other type of residence by persons of ordinary sensibilities is prohibited.

8. Fire Hazards: The storage, utilization, or manufacture of solid materials or products ranging from incombustible or moderate burning is permitted in accordance with applicable City Codes and Ordinances. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable City Codes and Ordinances provided the following conditions are met:

Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table 39-1 (exclusive of storage or finished products in original sealed containers) and the City's fire prevention code as interpreted by the City of Terrell Fire Marshal.

9. Water Pollution: No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public water unless in conformance with the rules and regulations of state agencies having jurisdiction of such discharge.

10. Liquid or Solid Waste: No discharge at any point shall be allowed into any public sewer, private sewer disposal system or stream or into the ground, except in accordance with standards approved by the State Health Department or standards equivalent to those approved in such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply interfere with bacterial process in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City Ordinances.

TABLE 39-1		
Industries engaged in storage and distribution of such materials	Prohibited Above Ground	100,000 Gallons Under Ground
Materials having a flash point gallons above 190 degrees Fahrenheit	Prohibited	100,000
From and including 105 degrees gallons Fahrenheit and including 190 degrees Fahrenheit	Prohibited	40,000
Materials having a flash point gallons below 105 degrees Fahrenheit	Prohibited	20,000
INDUSTRIES ENGAGED IN UTILIZATION AND MANUFACTURE OF SUCH MATERIALS		
Materials having a flash point gallons above 190 degrees Fahrenheit	10,000 gallons	50,000
From and including 105 degrees gallons Fahrenheit to and including 190 degrees Fahrenheit	1,000 gallons	20,000
Materials having a flash point below 105 degrees Fahrenheit	500 gallons	10,000

SECTION 40 LIGHTING AND GLARE STANDARDS

40.1 PURPOSE:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas. Lighting installed by a governmental entity such as the State, County or City of Terrell for public health, safety and welfare or for recreational facilities is exempt from this section. See the City of Terrell Subdivision Regulations for other applicable lighting requirements.

40.2 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:

A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

B. Lighting within the parking areas shall meet the following minimum requirements:

1. **Intensity:**

   Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. **Height:**

   a. The maximum height for poles with lights is thirty-five feet (35').

   b. Special lighting or lighting higher than thirty-five feet (35') may be approved as specifically noted on the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan).

40.3 RESIDENTIAL LIGHTING AND GLARE STANDARDS:

A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet (10') in height is shielded from adjacent property.

2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.

3. Lighting shall not directly shine on adjacent dwellings.

40.4 **LUMINAIRES:**

A. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 43.5 below.

40.5 **SPECIAL OR TEMPORARY LIGHTING -- LOW WATTAGE:**

A. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) calendar days for each holiday used.

SECTION 41 HOME OCCUPATION REGULATIONS

41.1 PURPOSE:

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

41.2 SPECIAL PROVISIONS FOR HOME OCCUPATIONS:

A. Home occupations shall be permitted as accessory use in single- and two-family residential zoning districts (i.e., AG, SF-20, SF-16, SF-9, SF-7.5, SF-6, TH-12 and MH) provided that they comply with all restrictions herein;

B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;

C. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty-five percent (25%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);

D. The occupation shall not employ any person who is not a member of the household in which the home occupation occurs.

E. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 7:00 a.m. and 10:00 p.m. for indoor activities;

F. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;

G. There shall be no outside storage, including trailers, or outside display related to the home occupation use;

H. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;

I. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;

J. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;

K. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;

L. The occupation shall not offer a ready inventory of any commodity for sale on the premises.

M. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

41.3 APPLICABILITY OF OTHER REGULATIONS:

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

41.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 41.2 above, home occupations may include the following uses:

A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

B. Author, artist or sculptor;

C. Dressmaker, seamstress or tailor;

D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;

E. Individual tutoring and home schooling;

F. Millinery;

G. Office facility of a minister, rabbi, priest or other clergyman;

H. Home crafts, such as rug weaving, model making, etc.;

I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;

L. Registered Family Homes (see definition in Section 44), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;

M. Barber shop/beauty salon or manicure studio.

N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time during daylight hours.

41.5 USES PROHIBITED AS HOME OCCUPATIONS:

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

A. Animal hospitals or clinics, commercial stables, or kennels;

B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than six (6) pupils at a time;

C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home;

D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;

E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;

F. On-premises retail or wholesale sales of any kind.

G. Commercial clothing laundering or cleaning;

H. Mortuaries or funeral homes;

I. Trailer, vehicle, tool or equipment rentals;

J. Repair shops or services, except as specifically provided in Section 41.4 above;

K. Drapery or furniture upholstery shops;

L. Antique, gift or specialty shops;

M. Repair shops for any items having internal combustion engines; and

N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

41.6 HOME OCCUPATION USES NOT CLASSIFIED:

A. Any use that is not either expressly allowed nor expressly prohibited by Sections 41.4 and 41.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this

Ordinance by the Terrell City Council, subsequent to a recommendation by the Planning and Zoning Commission.

41.7 EFFECT OF SECTION 41UPON EXISTING HOME OCCUPATIONS:

A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7, provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on the effective date of this Ordinance. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

SECTION 42 SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES

42.1 GASOLINE SALES FACILITIES:

A. Gasoline service station pump islands that parallel a public street may be located a minimum of sixteen feet (16') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than sixteen feet (16') to any property line that is not adjacent to a public street.

B. Canopies for gasoline service station pump islands shall be located no closer than fifteen feet (15’) from any street right-of-way line or side or rear property line.

C. Any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances shall be located at least twenty feet (20’) away from any front property line, and at least thirty feet (30’) away from any residential zoning district, except where such appurtenances are located wholly within a building.

D. Any service station providing self-service dispensing facilities for customers shall provide an emergency shut-off switch which will completely eliminate the flow of fuels from all of the self-service pumps in any emergency situation, and shall be located in the vicinity where the station attendant will be located most of the time.

E. Lighting shall be such that it shines downward and does not spill over onto adjacent property (see Lighting and Glare Standards, Section 40).

F. Gasoline service stations which have other uses associated with it (e.g., convenience store, fast food sales, drive-through window service, car wash, dry cleaners, minor or major auto repair, etc.) must be properly zoned for each use to be located on the site (including a SUP, if that zoning district requires such for any of the uses), and the amount of parking and stacking spaces shall be determined cumulatively for all uses (see parking requirements, Section 33).

G. The amount of paved area for gasoline service station sites shall be adequate to accommodate vehicle movements into and out of the site (including large tanker fuel trucks in the vicinity of the fuel storage tanks), but shall be minimized to the greatest extent practical and possible (to reduce storm water runoff, heat and glare, etc.

42.2 SWIMMING POOLS:

A. A swimming pool shall be defined as any pool or open tank that is intended for human use and that contains, or is capable of containing, water to a depth at any point greater than twenty-four (24”) inches. No such swimming pool shall be constructed, maintained or operated in any district, whether as an accessory use or as a principal use, unless it complies with the following requirements and with any other related codes or policies of the City of Terrell.

B. If located in any residential zoning district, the swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal building on the property and their guests, or

for the enjoyment of bona fide members of a club and their guests (provided the club itself is properly zoned).

C. **Requirements for all Swimming Pools:**

1. No swimming pool shall be located within a required front yard.

2. No swimming pool (except decking) shall be located closer than three feet (3') to any side or rear property line.

3. Enclosures and safety devices: The swimming pool (or the property or compound area in which the pool is located) shall be walled or fenced with a minimum four-foot (4') high fence or wall of masonry, wood or ornamental metal construction or other material that provides a solid barrier which shall be maintained in good condition, and which shall be equipped with a self-closing and self-locking gate to prevent uncontrolled access by children into the pool area. All enclosures and required safety devices shall be in accordance with Section 3109 of the International Building Code as adopted.

4. Filtration and Pump System: The filtration and pump system shall be large enough to completely circulate the pool water once every six (6) hours, and shall not be located within any front yard setback. Such equipment may be located in a side or rear yard provided that it is completely screened from view and noise-buffered from any adjacent property.

5. Permit: No swimming pool shall be constructed nor altered in any way without issuance of a building permit from the City and without complete compliance with this Ordinance.

D. **Special Requirements for Swimming Pools in Apartment Complexes and in the MF, SFA and MH Zoning Districts:** The swimming pool shall be located behind the front yard setback and behind the front façade of the front-most building, and it shall not be located within any required side or rear yard setback.

42.3 EXTRACTION OF MINERALS:

A. **General Requirements:** Any owner, leasee, or other person, firm, or corporation, having an interest in mineral lands in the AG zoning district only may file an application for a Specific Use Permit (SUP) with the City for authorization to mine minerals there from, provided, however, that it shall comply with all requirements of the AG zoning district in which said property is located, and with the following additional requirements.

1. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the City Council where such is deemed necessary for the protection of adjacent property.

2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operation is adjacent to the right-of-way or any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.

3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the City Council, such fencing is necessary for the protection of the public safety, and such fencing shall be of the type and height specified by the City Council.

4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the City Engineer or the City Council.

5. Processing: The actions of crushing, washing, refining or other similar processing may be authorized by the City Council as an accessory use within the SUP ordinance, but such actions or processing shall not be in conflict with the use regulations of the district in which the operation is located.

6. Financial Ability: In accepting such SUP request for review, the City Council must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with plans and specification submitted, and in accordance with City health, safety and welfare standards and ordinances.

7. Application: An application for a SUP for such operation shall set forth the following information (additional information may be required by the Municipal Development Department or by the City Council):

   a. name of land owner from which removal is to be made;

   b. name of applicant making request;

   c. name of person or corporation conducting actual removal operation;

   d. location, description, and size of area from which removal is to be made;

   e. location of processing plant;

   f. type of resources or materials to be removed;

   g. proposed method of removal and if blasting or other use of explosives will be required;

   h. description of equipment to be used; and

   i. method of rehabilitation and reclamation of mined area.

8. Planning and Zoning Commission Recommendation: In accordance with Section 31B, Specific Use Permits, the Planning and Zoning Commission of the City of Terrell shall give its recommendation regarding a SUP to the City Council prior to the City Council's final determination of application.

9. Rehabilitation: To guarantee restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a surety bond to the City of Terrell, in the amount of not less than five thousand dollars ($5,000), the upper limit to be determined by the City Council, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time, but not more than one (1) year, and shall, to the satisfaction of the City Council, meet the following requirements.

   a. *Surface Rehabilitation:* All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded

or backfilled with non-noxious, non-flammable and non-combustible solids, to secure that the excavated area shall not collect or permit to remain therein stagnant water or that the surface or such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land areas.

b. *Vegetation:* Vegetation shall be restored by appropriate seeds, grasses, or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.

c. *Banks of Excavations:* The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said banks shall be seeded.

10. Additional Requirements: In addition to the foregoing, the City Council may impose such other conditions, requirements, or limitations concerning the nature and extent of the use and operation of such mines, quarries, or gravel pits as the City Council may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the surety bond shall be determined by the City Council prior to issuance of the SUP and issuance of the mining permit. No mining at all will be allowed without a permit as required by this Section or by any local, County, State or Federal agency.

42.4 SEXUALLY ORIENTED BUSINESSES:

See Chapter 5, Section 5-14 of the City's Code of Ordinances as adopted or amended.

42.5 ALCOHOLIC BEVERAGE SALES:

See Chapter 5, Section 5-2 of the City's Code of Ordinances as adopted or amended.

SECTION 43 *(Reserved)*

SECTION 44 DEFINITIONS

44.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL) -** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.

2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY) -** In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").

3. **ACCESSORY USE -** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

4. **AIRPORT OR LANDING FIELD -** A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

5. **ALLEY -** A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes, which may or may not be improved. No fences, storage or structures are allowed in alley rights-of-way.

6. **AMBULANCE SERVICE -** Provision of private (not operated by the City of Terrell) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles and boarding rooms for ambulance drivers.

7. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE) -** Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to four (4) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games,

electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

8. **AMUSEMENT, COMMERCIAL (INDOOR) -** An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

9. **AMUSEMENT, COMMERCIAL (OUTDOOR) -** An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

10. **ANTENNA (AMATEUR/NON-COMMERCIAL) -** An antenna and antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. Antennas located in a residential district shall be limited to thirty-five (35') feet in height and shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered a non-commercial antenna.

11. **ANTENNA (COMMERCIAL) -** An antenna or antenna tower/support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). The antenna tower/support structure shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.

12. **ANTIQUE SHOP, SALES INDOORS -** A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a "used merchandise store", a "resale shop" or a "consignment shop" in that it does not market common, contemporary used household goods, clothing or furnishings – rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiquities (generally over 100 years old) from past eras.

13. **ART GALLERY OR MUSEUM -** An institution for the collection and/or display of bona fide objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public. An art gallery/museum can include a small gift shop that sells items to visitors provided that such sales are clearly accessory to the primary use as a gallery/museum. An establishment that sells new art or science objects on the retail market shall be defined as a "retail store", and an establishment that sells used objects (or parts of objects) shall be defined as a "used merchandise store".

14. **ATHLETIC FIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Terrell, Terrell Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

15. **ATHLETIC FIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by a private owner, agency or entity other than the City of Terrell or the Terrell Independent School District.

16. **ASSISTED LIVING FACILITY** - A facility which provides residence and care to seven (7) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited kitchen facilities. Full-time medical, nursing or professional care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.), however, full-time supervisory staff may reside onsite or be present at all times.

17. **AUTOMOTIVE RELATED DEFINITIONS:**

    a. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.

    b. **AUTO FINANCE AND LEASING** – Long-term leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

    c. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

    d. **AUTO RENTAL** – Short-term renting or leasing of automobiles, motorcycles and light load vehicles with outside storage.

    e. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

    f. **AUTO REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

    g. **AUTO REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; welding,

vehicle steam cleaning; undercoating and rust proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

h. **AUTO REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

i. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

j. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.

k. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

l. **CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.

i. **Attended Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

ii. **Unattended Car Wash** - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

18. **BAKERY OR CONFECTIONERY (RETAIL)** - A facility which is typically less than 2,000 square feet in size for the production and/or sale of baked goods for human consumption such as (but not limited to) pies, cakes, cookies, doughnuts, desserts, etc.

19. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility which is typically over 2,000 square feet in size for the production and distribution of baked goods and confectioneries to retail outlets.

20. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

21. **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock. (see Section 14 for setback requirements)

22. **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

23. **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

24. **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Municipal Development Department shall determine the outline of the block. The term block also refers to part of the legal description of platted subdivisions which contain one or more lots of record.

25. **BOARDING OR ROOMING HOUSE** - A multi-family dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

26. **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

27. **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

28. **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected (see Illustration 38-6).

29. **BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any separately addressed dwelling shall be deemed to be a main building on the lot on which it is situated.

30. **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Codes of the City of Terrell.

31. **BUILDING SITE** - See "Lot" definition.

32. **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

33. **CARETAKERS' OR GUARDS' RESIDENCE** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the

premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

34. **CARNIVAL, CIRCUS, FESTIVAL, SPECIAL EVENTS OR TENT SERVICE (TEMPORARY) -** Outdoor or indoor private or public amusement provided on a temporary basis.

35. **CARPORT -** A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Also called "covered parking area."

36. **CEMETERY OR MAUSOLEUM -** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

37. **CEMETERY, ANIMAL -** Same as cemetery except only for the burial of pets or other animals.

38. **CERTIFICATE OF OCCUPANCY -** An official certificate issued by the City through the Municipal Development Department which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

39. **CHILD CARE CENTER (OR DAY CARE CENTER OR CHILD NURSERY) -** A commercial institution or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

40. **CHURCH, RECTORY OR TEMPLE -** A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, religious study and other similar activities which occur in a person's primary residence shall not apply to this definition.

41. **CITY COUNCIL -** The governing body of the City of Terrell, Texas.

42. **CITY OF TERRELL -** The City of Terrell, Texas; sometimes referred to as the “City”.

43. **CIVIC/COMMUNITY CENTER (PUBLIC)-** A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

44. **CIVIC/COMMUNITY CENTER (PRIVATE)-** A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities privately owned and/or operated by a business, non-governmental agency or private nonprofit agency.

45. **COLLEGE OR UNIVERSITY -** An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

46. **COMMERCIAL/WHOLESALE LAUNDRY (DRY CLEANING PLANT) -** An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis exceeding 2,500 square feet of floor area.

47. **COMMUNITY HOME -** A place where not more than six (6) physically or mentally impaired or disabled persons are provided room and board, as well as supervised care and rehabilitation by not

more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code).

48. **COMPREHENSIVE PLAN** - A regulatory document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City which may include a Future Land Use Map, Thoroughfare Plan, Park Master Plan, Water and Sewer Plans, etc. State Law requires all zoning to be in accordance with the Comprehensive Plan.

49. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.

50. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

51. **CONSIGNMENT SHOP/RE-SALE SHOP (also THRIFT STORE)** - See "Used Merchandise Store".

52. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

53. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the storage of materials, equipment, tools, products, and vehicles that are then transported off site for the performance of maintenance, repairs, installation, assembly or construction by various tradesmen.

54. **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

55. **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

56. **COURTYARD** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

57. **COVERAGE** - The percentage of lot area covered by all buildings located thereon, including the area covered by all overhanging roofs, impervious coverage includes all paved surfaces in addition to the structures (see District regulations for coverage limits)

58. **DANCE HALL** - An establishment open to the general public for dancing (any sales of alcoholic beverages for on-premise consumption shall be subject to requirements and use restrictions for private clubs -- see definition for "Private Club" (also see Chapter 5, Section 9 of the City's Code of Ordinances).

59. **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

60. **DENSITY** - The total number of residential dwelling units allowed upon a given tract of land usually expressed in total number of units per gross acre.

61. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.

62. **DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.

63. **DRAINAGE** - Adequate provision for drainage shall be made to drain storm water into the City's man-made or natural drainage systems, in accordance to the City's and State's regulations pertaining to same.

64. **DRY CLEANING SHOP OR LAUNDRY –** A retail custom cleaning shop not exceeding 2,500 square feet of floor area which may include drive-up service but no self service.

65. **DWELLING (ACCESSORY) –** A separate secondary residential structure located on the same lot as a single-family main/primary building but not attached to the main building, sometimes known as a mother-in-law's quarters. An accessory dwelling shall not be sold, rented, leased, let, or hired out separately from the main/primary residential structure and shall only be occupied by members of the same family occupying the main/primary residential building. (see "Family" definition)

66. **DWELLING (MULTI-FAMILY) –** A main/primary residential building or buildings in which three or more dwelling units are located on the same platted lot of record that is used, intended, or designed to be built, used, owned, rented, leased, let or hired out to be occupied for living purposes by a single family in each dwelling unit. (see "Family" definition)

67. **DWELLING (SINGLE-FAMILY) –** A main/primary residential building located on a separate platted lot of record that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes by a single family. (see "Family" definition)

68. **DWELLING SIZE / AREA** - The total square footage of a dwelling unit, including only the livable (i.e., air-conditioned) space within the home (i.e., not the garage, accessory buildings, etc.).

69. **DWELLING UNIT**- A single unit (structure or portion thereof) providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. (see "Family" definition)

70. **EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

71. **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; a professional licensing/certification agency or trade, or such federally funded educational programs for preschool children as the Head Start Program.

72. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.

73. **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air. Includes an enclosed garage.

74. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.

75. **FAMILY** - One or more persons related by blood, affinity (marriage), or adoption to the second degree of consanguinity; or a group not to exceed six (6) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit. The definition of the second degree of consanguinity for the purpose of defining a single family is spouse, siblings, parents, grandparents, children, or grandchildren in accordance with Chapter 573 of the Texas Government Code.

76. **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

77. **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing farm products, vegetables, fruits, trees, and grain and for the raising thereon of farm animals such as horses, cattle, and sheep. May also include the necessary accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of offal or garbage to swine or other animals. Also does not include any type of agriculture or husbandry specifically prohibited by ordinance or law.

78. **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

79. **FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Terrell.

80. **FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

81. **FLOOR AREA RATIO (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 38-5).

82. **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.

83. **FOOD PROCESSING** - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

84. **FOOD STORE** - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

85. **FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Terrell.

86. **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

87. **FRONT YARD** - See "Yard, Front".

88. **FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

89. **GARAGE, PRIVATE** - An enclosed accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

90. **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Gasoline or Motor Fuel Service Station".

91. **GENERAL COMMERCIAL PLANT** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

92. **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".

93. **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

94. **GOVERNMENT BUILDING OR USE (CITY, COUNTY, STATE OR FEDERAL)** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: Kaufman County, the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Terrell is defined as "Municipal Facility or Use", including City Hall, Courts, Libraries, Fire Stations or Police Stations, etc.

95. **GROUP HOME** - A dwelling unit which provides residence and care to not more than six (6) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel

as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

96. **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

97. **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles more than thirty-five feet (35') in length (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

98. **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

99. **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

100. **HELISTOP/HELIPAD** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

101. **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 41).

102. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

103. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

104. **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than twenty percent (20%) of the building or space occupied by the primary use.

105. **INDUSTRIAL, MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer. Heavy industrial manufacturing or processing (smoke-stack industries) that produce explosion hazards, hazardous by-products or emissions are prohibited within the corporate city limits.

106. **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

107. **ITINERANT VENDORS / VENDING** - A person or operation that offers merchandise, art or food items, produce, publications and/or services from a temporary (i.e., not permanent) stand, cart, trailer, truck or other type of vehicle that is placed or parked on a piece of property for any period of time (as differentiated from a "peddler" or "solicitor" who is mobile and who goes from place to place to sell goods or services). (Also see Chapter 5, Section 5-6 of the City Code of Ordinances).

108. **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

109. **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

110. **KINDERGARTEN SCHOOL (PRIVATE)** - An establishment where more than three (3) children over the age of five (5) are housed for care and/or educational training during the day or portion thereof.

111. **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty (50) square feet.

112. **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, refrigerator, and/or microwave oven) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

113. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.

114. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

115. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

116. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in coin operated machines that are operated by the patron.

117. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-five

[35] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

118. **LIGHT MANUFACTURING OR INDUSTRIAL USE -** Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

119. **LOADING SPACE -** An off-street space or berth used for the delivery and loading/unloading of vehicles.

120. **LOCAL UTILITY LINE -** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

121. **LOT -** A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is owned by a single entity and is intended to be used, developed or built upon as a unit, which has access to a public street. Portions of a lot may not be sold or subdivided without prior approval of a plat by the city. A lot number is part of the legal description assigned to every parcel or tract of land that has been legally subdivided and platted. (See Illustrations 38-6, 38-7, and 38-8)

122. **LOT AREA -** The total area, measured on a horizontal plane, included within lot lines.

123. **LOT, CORNER -** A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 38-1).

124. **LOT DEPTH -** The mean horizontal distance between the front and rear lot lines. (See Illustration 38-7).

125. **LOT, DOUBLE FRONTAGE -** A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.

126. **LOT, FLAG -** A lot having access to a street by means of a narrow strip of land generally having a width at the rear of the lot that is much greater than its frontage, but not less than thirty (30) feet. flag, or panhandle, lots are typically discouraged.

127. **LOT, INTERIOR -** A lot other than a corner lot.

128. **LOT FRONTAGE -** That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

129. **LOT, KEY -** A corner lot whose exterior side is adjacent to the front yard of another lot, a front yard setback shall be observed for both street frontages.

130. **LOT LINE, FRONT -** The property line connecting the foremost points of the side lot lines running parallel with and abutting the street right-of-way line. (See Illustration 38-6). For a lot which has a boundary line which does not abut the front street line such as a flag lot that is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 38-3).

131. **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.

132. **LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 38-8).

133. **LOT LINE, SIDE** - Any lot line not the front or rear lot line.

134. **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 Kaufman County.

135. **LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 38-6).

136. **MAIN/PRIMARY BUILDING** - The building or buildings on a lot which are occupied by the primary use.

137. **MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new manufactured housing units (e.g., HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

138. **MANUFACTURED HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

139. **MANUFACTURED HOME PARK/SUBDIVISION** - A parcel of land not less than five (5) acres nor greater than fifteen (15) acres which is designed, improved, or intended to be used for permanent occupancy by HUD-code manufactured homes or Modular homes on individually platted lots. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

140. **MANUFACTURED HOUSING** - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:

    a. **Mobile Home** - A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and 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. No new or used "mobile homes" shall be moved into the city and placed on any lot for any purpose.

    b. **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

(HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (V.A.C.S. Art. 5221f), transportable in one or more sections, which, in the traveling mode, is twelve (12) feet or more in body width and forty (40) feet or more in body length, or, when erected on site, is a minimum of twelve hundred (1,200) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation (HUD 7584) 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 herein and by 24 C.F.R., Section 8282.8(g).

c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home) -** A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of three (3) stories or forty-nine (49) feet in height, as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to: (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

141. **MASONRY CONSTRUCTION** – (See Section 37)

142. **MEDICAL FACILITIES:**

a. **Medical Clinic or Office -** A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

b. **Dental Office or Doctors Office -** Same as medical clinic.

c. **Hospital** (Acute Care/Chronic Care) **-** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

d. **Massage Establishment -** Any place of business in which massage therapy is practiced by a massage therapist, as defined in the Texas State Occupations Code Chapter 455 and licensed in accordance with State Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

143. **MINI-WAREHOUSE** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

144. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

145. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally fourteen (14) days or less) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

146. **MOTEL OR HOTEL, EXTENDED STAY** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally longer than 14 days) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

147. **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motorscooters, mopeds and similar vehicles are classified as motorcycles.

148. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.

149. **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

150. **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

151. **MULTIPLE-FAMILY DWELLING** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or

motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.

152. **MUNICIPAL FACILITY OR USE -** Any area, land, building, structure and/or facility (including a park, plaza, swimming pool, tennis court, maintenance building, etc.) which is owned, used, leased or operated by the City of Terrell, Texas.

153. **NONCONFORMING USE/STRUCTURE** - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

154. **NON-PROFIT ACTIVITY BY CHURCH -** An activity such as, but not limited to, a rummage sale, bake sale, fundraising event, charitable function, etc. that is clearly in furtherance of the religious institution's tax-exempt (i.e., non-profit) purpose. An activity that is intended to generate money for profit for the institution does not qualify as a non-profit activity by a church.

155. **NURSERY/GARDEN SHOP (RETAIL) -** A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

156. **NURSERY -** An facility (wholesale or retail), that may include buildings and/or greenhouses or open spaces, for the propagation, production and growth of plants, shrubs, trees, for display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

157. **NURSING, CONVALESCENT OR REST HOME -** See "Skilled Nursing Facility".

158. **OCCUPANCY -** The use or intended use of the land or buildings by proprietors or tenants.

159. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS -** A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

160. **OFFICE CENTER -** A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

161. **OFFICE SHOWROOM/WAREHOUSE -** A retail/wholesale establishment which combines a storage and warehousing area which is not accessible to the general public with retail and wholesale sales areas, sales offices, and display areas that is accessible to the general public for products sold and distributed from the storage and warehousing areas.

162. **OUTSIDE DISPLAY** – See "Temporary Outside Retail Sales".

163. **OUTSIDE STORAGE** (also "Open Storage")- The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours (i.e., overnight).

164. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").

165. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

166. **PARK OR PLAYGROUND (PRIVATE)** - See "Private Recreation Facility".

167. **PARK OR PLAYGROUND (PUBLIC)** - See "Public Recreation".

168. **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Terrell parking lot standards, for the short- or long-term storage of motor vehicles.

169. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

170. **PARKING SPACE** - An off-street (i.e., not on a public street or alley) area, paved in accordance with City of Terrell parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street. Required parking spaces may not be used for outside storage, displays or accessory structures. Offsite parking that is used to satisfy the minimum parking standards must have written permission of the property owner and must be within two hundred feet (200') of the site it is serving. Each use in a combined or shared parking lot, such as a shopping center, must each meet the minimum standards for its own parking requirement (i.e. a parking space cannot be counted towards the requirement for separate uses)

171. **PATIO HOME (ZERO-LOT-LINE DWELLING)** - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 20).

172. **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

173. **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, nail salon, tailor or seamstress services, and other similar types of uses (no outside storage) that are not otherwise defined specifically herein.

174. **PET SHOP AND ANIMAL GROOMING** – A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

175. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY** - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

176. **PLANNED DEVELOPMENT DISTRICT** - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

177. **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."

178. **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Terrell, and which is approved by the City of Terrell and recorded in the plat records of Kaufman County.

179. **PLATTED LOT** - See "Lot" and "Lot of Record".

180. **PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Terrell, the School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

181. **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Terrell or the School District.

182. **PORTABLE BUILDING SALES** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured homes. Such display is wholly or partially out of doors.

183. **PREMISES** - Land together with any buildings or structures situated thereon, same as “LOT”.

184. **PRIMARY USE** - The principal or predominant use of any lot or building.

185. **PRIVATE ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Terrell.

186. **PRIVATE CLUB** - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. (Also see Chapter 5, Section 2 of the City’s Code of Ordinances.)

187. **PRIVATE RECREATION FACILITY OR PRIVATE PARK** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

188. **PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, typically from a non-permanent structure. No cooking or on-premises consumption of produce occurs on the site. All seasonal sales vendors must have a valid operating permit issued by the City.

189. **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

190. **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

191. **PUBLIC RECREATION** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the City of Terrell's Code of Ordinances.

192. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.

193. **REAR YARD** - See "Yard, Rear".

194. **RECREATION/COMMUNITY CENTER** - A public or private facility designed and equipped for the conduct of sports, special events, leisure time activities, and other customary and usual recreational activities.

195. **RECREATIONAL VEHICLE (RV)** - A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also "Heavy Load Vehicle").

196. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

197. **RECREATIONAL VEHICLE (RV) PARK** - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.

198. **RECYCLING KIOSK** - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of non-liquid recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

199. **REHABILITATION CARE FACILITY/INSTITUTION**- A facility which provides residence and care to seven (7) or more persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

200. **RESIDENCE** - Same as a dwelling unit; also, when used with district, an area of residential regulations.

201. **RESIDENCE HOTELS** - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

202. **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.

203. **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH OR DRIVE-IN SERVICE)** - An eating establishment where vehicular traffic is primary to their business which may have indoor dining facilities as well as drive-in service where customers consume food in their vehicle including drive-through windows for pick up of food for off premise consumption.

204. **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

205. **RETAIL OR SERVICE, INCIDENTAL** - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than twenty percent (20%) of the building or space that is occupied by the principal use.

206. **RETAIL STORE/SHOP (FOR DRY GOODS)** - This major group includes retail stores which sell any number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, building materials, small wares, electronics, appliances, hardware, but not food or alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, home improvement centers, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).

207. **RETAIL STORE/SHOP (FOR FOOD or ALCOHOLIC BEVERAGES)** This major group includes retail stores which sell any number of lines of primarily food products including but not limited to prepared foods, can goods, fresh produce, dairy products, bakery products, meat products, delicatessen, or alcoholic and non-alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as grocery stores, food stores, convenience stores, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).

208. **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To

qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

209. **ROOM -** A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

210. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD) -** The reclamation and storage of used products or materials.

211. **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE -** The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

212. **SCHOOL, BUSINESS -** A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

213. **SCHOOL, COMMERCIAL TRADE -** A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

214. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY) -** A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

215. **SCHOOL, PUBLIC OR PAROCHIAL -** A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

216. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES -** Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

217. **SCREENING -** Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature. Dumpsters, outside storage and loading docks must be screened from view from a public roadway in addition to screen walls that are required to be erected between nonresidential uses and residential uses unless specifically exempted by this ordinance.

218. **SEASONAL USES/ITEMS** – Temporary seasonal uses include the sales of items such as Christmas trees, holiday decorations, pumpkins, snow cones, fresh produce, spring planting materials, and other items which are typically only available or marketed at certain times of the year in a non-permanent setting (i.e., includes itinerant vendors).

219. **SERVANT'S QUARTERS OR GUEST HOUSE -** An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

220. **SEXUALLY ORIENTED BUSINESS** - See Chapter 5, Section 14 of the City's Code of Ordinances.

221. **SHOPPING CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

222. **SIDE YARD** - See "Yard, Side".

223. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

224. **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

225. **SKILLED NURSING FACILITY (also termed NURSING HOME, CONVALESCENT HOME or LONG-TERM CARE FACILITY)** - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

226. **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

227. **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

228. **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.

229. **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials.

230. **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from a point representing the average slope from front to back (or side to side) of the building.

231. **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

232. **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

233. **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.

234. **STREET YARD** - The area between the building line and the property line/right-of-way) line. On most lots, this will be the front yard, but in some instances can also be the side yard and/or rear yard, depending on the configuration of the lot to adjacent rights-of-way.

235. **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 (also see definition of "Building").

236. **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

237. **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

238. **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

239. **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.

240. **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. (Also see Home Occupation Regulations, Section 41.)

241. **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

242. **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Chapter 4, Section 4-9 of the City of Terrell Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

243. **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

244. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are

connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

245. **TEMPORARY** - Used or lasting for only a limited period of time; not permanent. Short-term or seasonal uses that would not be appropriate on a permanent basis, which typically require a special permit issued by the City.

246. **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

247. **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Municipal Development Department and shall be subject to review and renewal for reasonable cause.

248. **TEMPORARY OUTSIDE RETAIL SALES / COMMERCIAL PROMOTION** (also "Outside Display") - Outside temporary display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors) but not displayed outside overnight.

249. **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the specific use permit.

250. **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

251. **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

252. **TIRE DEALER, NO OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

253. **TIRE DEALER, WITH OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

254. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.

255. **TRACT** - A single individual parcel or lot.

256. **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

257. **TRAILER, TRAVEL OR CAMPING** - A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not

constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

258. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES -** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

259. **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

260. **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.

261. **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

262. **TRUCK STOP** - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

263. **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

264. **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.

265. **TWO-FAMILY DWELLING (DUPLEX)** - Two attached dwelling units in one structure that are divided by a property line centered on the common wall with each unit located on its own platted lot, each designed to be occupied by one family.

266. **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 20.5(A-D)).

267. **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.

268. **USED MERCHANDISE STORE** (also “Resale Shop” or “Thrift Store” or “Consignment Shop”) An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight “for sale” basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.

269. **UTILITY DISTRIBUTION/TRANSMISSION LINES** - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

270. **VARIANCE** - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Terrell can grant a variance subject to the restrictions as stated in Section 9.

271. **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

272. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE)** - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

273. **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 38-6).

274. **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 38-6).

275. **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 38-8).

276. **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 38-8).

277. **ZERO-LOT-LINE DWELLING** - See "Patio Home".

278. **ZONING BOARD OF ADJUSTMENT** - A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "BOA."

279. **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

280. **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. The Official Zoning Map is maintained by the City Secretary, all other copies, depictions posted on the internet, or electronic versions are for reference only and are not to be considered official for zoning purposes.

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VI. INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE

SECTION 45 EFFECT OF INTERPRETATION; REPEALER

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

45.2 All provisions of the City's prior Zoning Ordinance adopted on November 14, 1961, as amended, and any other ordinances of the City of Terrell, that are in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed. All other provisions of City of Terrell ordinances that are not in conflict herewith shall remain in full force and effect.

SECTION 46 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

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

SECTION 47 PENALTY FOR VIOLATIONS

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

47.2 Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 48 VALIDITY

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

SECTION 49 EFFECTIVE DATE

49.1 This Ordinance shall be effective as of the date of its adoption by the City Council of Terrell, Texas.