

ORDINANCE NO 1072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLEMAN, TEXAS, ADOPTING THE CITY OF COLEMAN ZONING ORDINANCE; PROVIDING FOR THE REGULATION OF LAND USES WITHIN THE CITY; PROVIDING STANDARDS FOR THE SIZE, HEIGHT, SET BACK AND OCCUPANCY OF STRUCTURES; ESTABLISHING ZONING DISTRICTS WITHIN THE CITY; PROVIDING FOR REGULATIONS WITHIN SUCH DISTRICTS; PROVIDING FOR THE EXISTENCE OF NON- CONFORMING USES AND THEIR ABANDONMENT; IMPOSING CRIMINAL PENALTIES FOR NON COMPLIANCE; DESIGNATING PREVIOUSLY ENACTED REGULATIONS AND STUDIES CONSTITUTING THE CITY OF COLEMAN COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION AND PENALTY.

WHEREAS, the City Council finds that the adoption of a comprehensive zoning ordinance is in the best interest of the City of Coleman in order to:

1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;
2. Maintain property values by stabilizing expectations and ensuring predictability in development;
3. Prevent or minimize land use incompatibilities and conflicts;
4. Prevent overcrowding of buildings and over development of sites and excessive concentrations of population or commercial activities;
5. Encourage commercial revitalization;
6. Preserve and enhance the city's natural environment and avoid natural hazards in the development of the city;
7. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
8. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and

9. Establish a process that effectively and fairly applies the regulations and standards of this ordinance and respects the rights of property owners and the interests of citizens.

WHEREAS, the Planning Commission has published notice of a public hearing and has held a public hearing as required by law; and

WHEREAS, following the public hearing the Planning Commission approved the zoning ordinance and recommended its adoption to the City Council; and

WHEREAS, the City Council has also published notice and held a public hearing as required by law and

WHEREAS, following public input, the City Council has determined that adoption of the ordinance as finally drafted with the Official Zoning Map prepared at the City Council's direction are in the best interest of the City of Coleman and in accordance with the City's comprehensive plan; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLEMAN, TEXAS, AS FOLLOWS:

Part 1: Enacted.

Section 1:

That the City of Coleman Zoning Ordinance (hereinafter the "Ordinance") and the Official Zoning Map are hereby adopted. The City Secretary shall retain the original of the Ordinance and Map in the official records of the City of Coleman and shall make copies of the Ordinance and Map available upon request. A copy of the Ordinance is attached hereto and incorporated by reference the same as if copied in its entirety.

Part 2 Repeal

All ordinances or parts of ordinances in conflict herewith or with the Zoning Ordinance are hereby repealed to the extent of the conflict and declared of no further force and effect.

Part 3 Severability Clause

If any section, sub-section, clause, phrase or portion of this Ordinance or the Zoning Ordinance adopted herein shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 4: Publication

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption hereof together with the criminal penalty provisions for violation thereof.

Part 5: Effective Date:

This Ordinance shall take effect upon completion of publication as provided by law.

PASSED AND APPROVED on first reading this the 15th day of March, 2007.
PASSED AND APPROVED on second reading this the 5th day of April, 2007.

CITY OF COLEMAN

/S/ Nick Poldrack
Nick Poldrack, Mayor

ATTEST:

/S/ Sue Burleson
Sue Burleson, City Secretary



ZONING ORDINANCE
CITY OF COLEMAN, TEXAS

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ARTICLE 1

General Provisions

Sec. 1.01. Title

This shall be known and may be cited as the "Zoning Ordinance of the City of Coleman," or simply as the "Zoning Ordinance."

Sec. 1.02. Authority

This Zoning Ordinance is adopted pursuant to the powers granted and limitations imposed by the Constitution and laws of the State of Texas and common law that are relevant and appropriate.

Sec. 1.03. Applicability and Jurisdiction

The provisions of this Zoning Ordinance shall apply to the use and development of all land within the City of Coleman, unless specifically provided otherwise in this Zoning Ordinance.

Sec. 1.04. Purpose

This ordinance is adopted for the purpose of promoting the public health, safety, and general welfare of the citizens of the City of Coleman. It is adopted in accordance with and is intended to complement the city's comprehensive plan. More specifically, this ordinance is intended to fulfill one or more of the following purposes:

1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;
2. Maintain property values by stabilizing expectations and ensuring predictability in development;
3. Prevent or minimize land use incompatibilities and conflicts;
4. Prevent overcrowding of buildings and over development of sites and excessive concentrations of population or commercial activities;
5. Encourage commercial revitalization;
6. Preserve and enhance the city's natural environment and avoid natural hazards in the development of the city;
7. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
8. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and

9. Establish a process that effectively and fairly applies the regulations and standards of this chapter and respects the rights of property owners and the interests of citizens.

Sec 1.05. Conflict with Other Laws

Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations_ or laws, those imposing the higher standards or those deemed more restrictive shall govern. However, this Zoning Ordinance is not intended to supplant or replace private deed restrictions and covenants, except where coincident with the provisions of this Zoning Ordinance and any other lawfully adopted rules, regulations or laws.

Sec. 1.06 Compliance with Zoning District Standards

All development and use of land in the City shall comply with the following standards.

1. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, installed or structurally altered, except in conformance with all the regulations specified in this Zoning Ordinance.
2. The lot area, required yards and other open spaces provided in connection with any structure or use, in order to comply with the regulation specified in this Zoning Ordinance, shall be situated on the same lot as the structure or use.
3. No part of a yard, open space or off-street parking and loading area required in connection with this Zoning Ordinance shall be included as part of a yard, open space, off-street parking or loading area similarly required for another building, except as allowed under specific provisions for shared parking facilities.
4. No yard or lot existing on the effective date of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet the minimum requirements established herein.

Sec. 1.07 Permits Issued in Conflict with Ordinance

Any permit issued in conflict with the provisions of this Zoning Ordinance shall be null and void and may not be construed as waiving any provisions of this Zoning Ordinance.

Sec. 1.08 Official Zoning Map

The boundaries of the zoning districts established by this Zoning Ordinance shall be shown on a map or series of maps entitled "Official Zoning Map," an up-to-date copy of which shall be maintained in the office of the City Secretary.

Sec. 1.09. Transitional Provisions

1. This Zoning Ordinance is not intended to abrogate or annul (1) any permits issued before the effective date of this Zoning Ordinance, or (2) any easement, covenant, or any other private agreement.
2. Except as specifically provided, the provisions of this Zoning Ordinance shall not affect any building permit issued or any valid building permit application filed prior to the effective date of this Zoning Ordinance, provided that construction pursuant to such permit, if and when issued, is commenced within 6 months of the date of issuance of the permit and diligently pursued to completion.
3. No presently illegal use shall be deemed to have been legalized unless such use specifically falls within a zoning district where the actual use is a conforming use. Otherwise, such uses shall remain legally nonconforming uses where recognized, or an illegal use, as the case may be.
4. No offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Zoning Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending continued.
5. If a use lawfully occupying land or buildings is classified by the Use Table as a conditional use in the zoning district in effect on the effective date of this Zoning Ordinance, such use shall not be considered a nonconforming use. The existing use shall be considered a lawful conditional use, the same as if the Planning Commission had expressly approved the location of that use on the lot where existing at the effective date of this Zoning Ordinance.

Sec. 1.10 Severability

If any Section, subsection, sentence, clause, phrase or portion of this Zoning Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Zoning Ordinance.

Sec. 1.11. Board of Adjustment and Planning and Zoning Commission Created

1. Board of Adjustment

There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of two (2) years and removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. Each member reappointed or each new appointee shall serve for a full term of two (2) years unless removed as herein provided. Provided, however, that the City Council may appoint four (4) alternate members of the Board of Adjustment who shall serve in

the absence of one or more of the regular members when requested to do so by the Mayor or City Manager, as the case may be, so that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

The Board shall adopt rules to govern its proceedings provided, however, that such rules may not be inconsistent with this Ordinance or Statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Sec. 1.12. Planning and Zoning Commission Created

1. Planning and Zoning Commission

The Planning and Zoning Commission shall be composed of five (5) residents of the City plus two (2) alternate members. The alternates shall serve in the absence of one or more of the regular members when requested to do so by the Mayor or City Manager, as the case may be. The membership shall be appointed by the City Council. The City Council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. The third absence, without prior notification, during any twelve-month period is construed as the member's resignation. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a commission which is broadly representative of the community.

The members of the Commission shall be appointed for terms of two (2) years; provided, however, that the vacancies shall be filled for unexpired terms. The members of the Commission shall be identified by place numbers one (1) through five (5). Commission members may be appointed to succeed themselves. Newly appointed members shall be installed at the first regular commission meeting after their appointment. Any vacancies occurring on the Commission shall be filled by appointment by the City Council with such appointment being for the unexpired term of such vacancy. Terms of appointed members shall be deemed extended until a successor is appointed. Members may be removed at the discretion of the City Council. A quorum for the conduct of business shall consist of three (3) members of the Commission. The members of the Commission shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except for reimbursement of authorized; expenses attendant to the performance of their duties. All meetings held by the Planning and Zoning Commission shall be open to the public.

ARTICLE 2 DEVELOPMENT REVIEW

Sec. 2.01 Development Review: General

1. Pre-application Conference

An applicant for development approval may request a pre-application conference with the City Manager. Prior to the conference, the applicant shall provide a description of the character, location, and magnitude of the proposed development. The purpose of this meeting is to acquaint the participants with the requirements of this Zoning Ordinance and the views and concerns of the City.

2. Application Forms

Every application for development approval shall be in a form specified by the City Manager.

3. Standard Application Submission Cycle

Applications that will be reviewed by the Planning Commission or the Zoning Board of Adjustment must be filed at least 21 days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report and publication of notice.

4. Application Fees

- a. No application shall be processed until the established fee has been paid. This non-refundable fee shall be established from time-to-time by the City Council to defray the actual cost of processing the application and providing public notice.
- b. No application fee shall be required when a text or map amendment is being proposed by the City Manager, City Council or Planning Commission.

5. Completeness of Application

No application shall be processed until it has been deemed complete by the City Manager. The City Manager shall have 5 working days following the submission of the application to determine its completeness. If the application is deemed incomplete, the City Manager shall forward a letter to the applicant specifying the application's deficiencies, and no further review of the application shall proceed until the deficiencies are corrected. If the deficiencies are not corrected by the application deadline date, the application shall not be scheduled for public hearing.

6. Procedures Requiring Public Notice

Procedure	Published	Mailed
Variance	--	√
Conditional Use	--	√
Special Use	√	√
Planned Development		
Initial Approval	√	√
Minor Amendment	--	--
Major Amendment	√	√
Text Amendments	√	--
Other Zoning Map Amendments	√	√
Expansion of Nonconforming Use	--	√

7. Published Notice of Public Hearing Before City Council

Whenever the provisions of this Zoning Ordinance require a public hearing before the City Council, notice shall be published in a newspaper of general circulation in the City of Coleman at least 15 days before the public hearing.

8. Mailed Notice of Public Hearing

- a. **General.** Notice of required public hearings shall also be sent by mail to owners of real property within at least 200 feet of the lot lines of the land that is the subject of the application. Owners of real property shall be identified by reference to the most recent tax records. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service, properly addressed with postage prepaid.
- b. **Planning Commission and Zoning Board of Adjustment.** Mailed notice shall be deposited in the US Mail before the 10th day before the Planning Commission or Zoning Board of Adjustment public hearing.

9. Content of Published and Mailed Notice

Published and mailed notices shall provide at least the following information:

- a. The general location of the land that is the subject of the application;
- b. A summary of the subject property's legal description or a street address or other locative information;
- c. The substance of the application;

- d. The time, date and location of the public hearing;
- e. A contact person at the City and their telephone number; and
- f. A statement that interested parties may appear at the public hearing and be heard with respect to the application.

10. Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without complying with the notice provisions above, provided that the continuance is set for a date and time certain announced at the public hearing.

11. Postponement of Public Hearing/Withdrawal of Application

- a. Once a public hearing has been scheduled in accordance with this Section, the applicant may request postponement or withdrawal of the application by notifying the City Manager in writing. If the City Manager does not receive such notification, the case will be heard as scheduled. The appropriate municipal board, commission or council is then authorized to take action on the case, after the scheduled hearing.
- b. After public hearing on any matter within the scope of this Zoning Ordinance, the appropriate municipal board, commission or council hearing such matter may defer action on it, for a period of time necessary to gather additional information.
- c. If an applicant withdraws an application for any of the following matters, such application shall not be heard within one year thereafter, except as specifically directed by majority vote of the City Council:
 - i. Amendment to the Official Zoning Map;
 - ii. Conditional use approval; and
 - iii. Special use approval

12. Rehearing

The Planning Commission will not hear a request for amendment to the Official Zoning Map, conditional use approval or special use approval on the same tract of land within one year following the final decision on any previous such request unless:

- a. Planning Commission is specifically directed by majority vote of the City Council to hear the subsequent request; or
- b. subsequent request is for more restrictive zoning; or
- c. zoning classification of other nearby properties in the immediate vicinity has changed.

Sec. 2.02. Procedures

1. Administrative Adjustments

- a. Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be (1) compatible with surrounding land uses; (2) in keeping with the public interest and (3) consistent with the purposes of this Zoning Ordinance.

2. Administrative Adjustments Allowed

The City Manager shall have the authority to grant only the following administrative adjustments:

- a. Allow an increase in the floor area of a residential accessory building above 50 percent of the total square footage of the principal structure, as long as the maximum floor area ratio for the District is not exceeded.
- b. Authorize the construction of a carport in the minimum front or side yard required for one-family or two-family homes, subject to the findings, criteria and general considerations set forth in Sec. 10.13.
- c. Authorize a variance of up to 10 percent from the numerical standard set forth in Articles 8 or 9.

EXAMPLE: Minimum front yard requirement of 20 feet may be varied by up to 10% to a minimum of 18 feet.

- d. Allow an all-weather surface to be substituted for the requirement to pave the minimum off-street parking spaces required for single-family residences, where the City Manager makes a finding that the character of the surrounding area is principally recreational or rustic in nature, with relatively narrow roadways not bordered by curbs and generally uncharacteristic of urban streets.

3. Submission of Application

A complete application for an Administrative Adjustment shall be submitted to the City Manager, along with the appropriate application fee.

4. Action by City Manager

After determining that the application is complete, the City Manager shall review the application and approve, approve with conditions or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.

5. Administrative Adjustment Criteria

To approve an application for an Administrative Adjustment, the City Manager shall make an affirmative finding that the following criteria are met.

- a. That granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.
- b. That granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other environmental considerations.
- c. That granting the Administrative Adjustment will not adversely affect the value of nearby property in any material way.
- d. That granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Zoning Ordinance.

6. Appeals

Appeal of an administrative adjustment to the Zoning Board of Adjustment shall be made within fifteen (15) days of the mailing of the City Manager's decision.

Sec. 2.03. Written Interpretations of Text or Official Zoning Map

1. Authority

The City Manager shall have authority to make all written interpretations concerning the provisions of this Zoning Ordinance and the Official Zoning Map.

2. Request for Interpretation

A request for interpretation shall be submitted to the City Manager in a form established by the City Manager and made available to the public.

3. Interpretation by City Manager

Within 10 working days after a request for interpretation has been submitted, the City Manager shall: (1) review and evaluate the request in light of the text of this Zoning Ordinance, the Official Zoning Map, the Comprehensive Plan and any other relevant information; (2) consult with other staff, as necessary; and (3) render an opinion. The interpretation shall be provided to the applicant in writing by mail.

4. Official Record

The City Manager shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

5. Appeal

- a. Appeals of written interpretations made by the City Manager shall be taken to the Zoning Board of Adjustment within 15 days of mailing of the interpretation.
- b. In considering such an appeal, the Zoning Board of Adjustment shall review the interpretation and public testimony in light of the Comprehensive Plan, this Zoning Ordinance and the Official Zoning Map, and any other land use policies adopted by the Planning Commission or City Council, whichever are applicable.
- c. The Zoning Board of Adjustment shall affirm, modify or reverse the decision of the City Manager in interpreting the provisions of this Zoning Ordinance and the Official Zoning Map. The Zoning Board of Adjustment shall modify or reject the interpretation only if it is not supported by substantial competent evidence or if the interpretation is deemed contrary to the intent and purpose of the Comprehensive Plan, this Zoning Ordinance or the Official Zoning Map.

Sec. 2.04. Variances

1. Purpose

Variances are deviations from the applicable standards for the zoning district where existing or proposed development is located, that would not be contrary to the public interest and, due to special conditions of the site or its surroundings, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. Variances ensure that the spirit of this Zoning Ordinance is observed and substantial justice done. A variance shall not be granted to allow a use that is not allowed in the specific district in question by the use regulations.

2. Submission of Application

A complete application for a variance shall be submitted to the City Manager on a form prescribed by the City Manager, along with the appropriate application fee.

3. Hearing and Action by Zoning Board of Adjustment

After due notice, the Zoning Board of Adjustment shall hold a public hearing on an application for a Variance. At the public hearing, the Board shall consider the application, the relevant support materials and the public testimony given at the public hearing in light of the criteria below. After the close of the public hearing, the Zoning Board of Adjustment shall vote to approve, approve with conditions or deny the application for a Variance, pursuant to the criteria below.

4. Variance Criteria

To approve an application for a Variance, the Zoning Board of Adjustment shall make an affirmative finding that each and every one of the following criteria are met.

- a. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.
- b. These special circumstances are not the result of the actions of the applicant.
- c. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.
- d. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.
- e. Granting the variance will not adversely affect adjacent land in a material way.
- f. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.
- g. In the case of Community Homes, granting a variance as to the number of persons who may live in a community home constitutes a reasonable accommodation as required by the Americans with Disabilities Act.

5. Variances Not Allowed

In exercising its authority, the Zoning Board of Adjustment shall not grant a variance that would create any of the following effects.

- a. The effect of the variance on the specific property would adversely affect the land use pattern as outlined by any City land use plan or policy.
- b. The variance would be a material detriment to the public welfare or create injury to the use, enjoyment or value of property in the vicinity.
- c. The variance is not the minimum variance that will relieve the proven hardship.
- d. The variance would allow a use not allowed in the use table for the district in which the parcel is located.
- e. The variance will relieve the applicant of conditions or circumstances that are caused by the illegal subdivision of land, which subdivision of land caused the property to be unusable for any reasonable development under the existing regulations.
- f. The variance will relieve the applicant of conditions or circumstances that are self-imposed.

- g. The variance is grounded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.
- h. The variance will modify any condition imposed by the City Council as part of a conditional use, special use, Planned Development District or Planned Industrial Park.
- i. The variance would not only affect a specific parcel, but would be of such general nature as to constitute, in effect, a change in zoning of the parcel or a larger area, or would merit an amendment to this Zoning Ordinance.

6. Conditions

The Zoning Board of Adjustment may impose such conditions on a variance as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods, and to ensure compatibility of the site with its surroundings. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of performance; other on-site improvements; and limitations on the duration or hours of operation of an allowed use.

7. Effect of Variance

- a. Issuance of a variance shall authorize only the particular variation which is approved in the variance. A variance shall run with the land.
- b. Unless otherwise specified in the variance, an application to commence construction of the improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise, the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month period may be granted by the City Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

Sec. 2.05. Conditional Use Review

1. Who May File

An application for conditional use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map.

2. Submission of Application

A complete application shall be submitted to the City Manager, along with the appropriate fee. The City Manager may require an application for conditional use approval to be accompanied by a site plan of existing and proposed development of the affected site.

3. Applicable Development Standards

Unless otherwise specified in this Zoning Ordinance, no conditional use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each conditional use shall also be subject to any specific use requirements set forth in this ordinance.

4. Review by City Manager

After determining that the application is complete, the City Manager shall place the request on a meeting agenda for consideration by the Planning Commission.

5. Hearing and Action by Planning Commission

- a. The Planning Commission shall, after appropriate notice, conduct a public hearing on each request for approval of a conditional use.
- b. At the public hearing, the Planning Commission shall consider the application, any pertinent comments by the City staff, and relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the Planning Commission shall approve the request, approve the request with additional conditions, or deny the request. The Planning Commission may attach such conditions to a conditional use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation for the specific allowed activity.

6. Conditional Use Approval Criteria

Approval of a conditional use by the Planning Commission shall be based upon the following criteria:

- a. **Impacts Minimized.** Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.
- b. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.
- c. **Compatible with Surrounding Area.** Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
- d. **Effect on Natural Environment.** Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater

management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

- e. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need.
- f. **Development Patterns.** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

7. Expiration of Conditional Use Approval

- a. All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that the City Manager, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
- b. If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be cancelled and revoked and be of no effect.

8. Appeal

- a. Appeal of the Planning Commission's decision on conditional use approval shall be made within 10 days of the final action by the Planning Commission, to the City Council. The appeal shall be in writing, submitted to the City Manager and processed in accordance with Sec. 2.10: Appeals.
- b. In considering such an appeal, the City Council shall review the decision in light of the Comprehensive Plan, this Zoning Ordinance, the Official Zoning Map, and any other land use policies adopted by the Planning Commission or City Council, whichever are applicable. The City Council shall modify or reject the decision of the Planning Commission only if it is not supported by substantial competent evidence or if the Planning Commission's decision is contrary to the Comprehensive Plan, this Zoning Ordinance or the Official Zoning Map.

Sec. 2.06. Special Use Review

1. Purpose

Special use review allows for review of specified larger-scale uses that may be appropriate in designated areas, provided that consideration is given to conditions that will minimize any negative impacts of the use.

2. Who May File

An application for special use approval shall be submitted by the owner or an agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map.

3. Submission of Application

A complete application shall be submitted to the City Manager, along with the appropriate fee. The City Manager may require an application for special use approval to be accompanied by a site plan of existing and proposed development of the affected site. A written statement describing how the proposed development meets any specific use requirements set forth in Articles 3 through 8 shall accompany the site plan.

4. Applicable Development Standards

Unless otherwise specified in this Zoning Ordinance, no special use approval shall be granted for any use that does not conform with the dimensional standards of the district in which it is located. Each special use shall also be subject to any specific use requirements set forth in this ordinance.

5. Review by City Manager

After determining that the application is complete, the City Manager shall place the request on a meeting agenda for consideration by the Planning Commission.

6. Hearing and Recommendation by Planning Commission

- a. The Planning Commission shall, after appropriate notice, conduct a public hearing on each request for approval of a special use.
- b. At the public hearing, the Planning Commission shall consider the application, any pertinent comments by City staff, other relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the Planning Commission shall recommend that the City Council approve the request, approve the request with additional conditions, or deny the request. The Planning Commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration-of special use approval, and hours of operation for the special use so allowed.
- d. A recommendation by the Planning Commission to deny a request for special use shall be the final decision on that matter, if not appealed in writing to the City Council with ten (10) days.

7. Hearing and Action by City Council

- a. The City Council shall, after appropriate notice and a recommendation from the Planning Commission, conduct a public hearing on each request for approval of a special use, except for such requests which are recommended by the Planning Commission to be denied and are not formally appealed to City Council.
- b. At the public hearing, the City Council shall consider the application, any pertinent comments by City staff, the Planning Commission recommendation, other relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the City Council shall approve the request, approve the request with additional conditions, or deny the request. The Council may attach such conditions to a special use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation of the special use.
- d. Where written protest against a proposed special use is made and signed by (a) the owners of 20 percent or more of the area subject to the special use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed special use shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

8. Special Use Approval Criteria

Approval of a special use by the Planning Commission and City Council shall be based upon the following criteria:

- a. **Impacts Minimized.** Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.
- b. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.
- c. **Compatible with Surrounding Area.** Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.
- d. **Traffic Circulation.** Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.
- e. **Effect on Natural Environment.** Whether and the extent to which the proposed

special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

- f. **Community Need.** Whether and the extent to which the proposed special use addresses a demonstrated community need.
- g. **Development Patterns.** Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

2. Expiration of Special Use Approval

- a. All special use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the City Manager, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
- b. If the designated use is not made of the property within the time limitation granted, the special use approval shall be cancelled and revoked and be of no effect.

Sec. 2.07. Planned Development Review

1. Who May File

An application for rezoning to a Planned Development (PD) District may be submitted by an owner or an agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map. No application shall be accepted for a property less than one acre in land area.

2. Pre-application Conference

- a. A prospective applicant for a PD District is encouraged to request a pre-application conference with the City Manager prior to submission of a formal application.
- b. At the pre-application conference, the applicant shall present a draft concept plan in order for the staff to better assist the developer and ensure timely processing of the application.
- c. Based on the information provided by the applicant, the City Manager or a designee shall provide preliminary comments concerning the proposed development and shall inform the applicant of any additional requirements for preparation of a formal application for rezoning to the PD District.

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3. Submission of Application

- a. A complete application for review of a PD District shall be submitted to the City Manager on a form prescribed by the City Manager, along with the appropriate fee.
- b. The applicant shall submit a concept plan and a rezoning application, as well as any proposed covenants and restrictions governing the operation of any proposed common open space or facilities. The concept plan shall include at least a graphic element that illustrates those details of the proposed planned development that are appropriate for the application. The concept plan may also be accompanied by written text describing appropriate details of the proposed planned development.
- c. The applicant may also submit an initial site plan of actual building construction and other such improvements planned on the subject property.
- d. A subdivision plat meeting the submittal requirements of the City's Subdivision Ordinance may also be submitted. An applicant for a single-family detached residential development may submit a final subdivision plat in lieu of a site plan for the first phase or phases of the project for approval in conjunction with adoption of the PD District.

4. Review and Report by City Manager

After determining that the application is complete, the City Manager shall prepare a staff report, which may include a recommendation for approval or denial.

5. Hearing and Recommendation by Planning Commission

- a. The Planning Commission shall, after appropriate notice, conduct a public hearing on each request for rezoning to the PD District.
- b. At the public hearing, the Planning Commission shall consider the application, the comments and recommendations of City staff, other relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the Planning Commission shall prepare and deliver a report and recommendation to the City Council to approve or deny the proposed PD District. The Planning Commission may recommend conditions necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, and hours of operation. A recommendation by the Planning Commission to deny a request for a proposed PD District shall be the final decision on the matter, if not appealed in writing to the City Council within ten (10) days.
- d. The Commission may simultaneously make its required findings on any final plat submitted by the applicant, in accordance with the standards set forth in the City's Subdivision Ordinance.

6. Hearing and Action by City Council

- a. After receipt of the final report from the Planning Commission, and after appropriate notice, a public hearing shall be held by the City Council before adopting any proposed PD District, except for such requests which are recommended by the Planning Commission to be denied and are not formally appealed to City Council.
- b. At the public hearing, the City Council shall consider the application, the comments and recommendations of City staff, the Planning Commission recommendation, other relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the City Council shall approve, approve with conditions, or deny the application. The Council may require such conditions relating to the height, floor area, density, setback, landscaping, off-street/on-site parking and all other applicable standards as are necessary to ensure the health, safety and general welfare of the community.
- d. The City Council, upon consideration of the findings by the Planning Commission regarding plat approval, and if City Council approval is necessary, may approve a subdivision plat submitted by the applicant, which meets the standards set forth in the City's Subdivision Ordinance, concurrently with approval of the specific PD District ordinance.
- e. If the applicant has included an initial site plan of actual building construction and/or other such improvements planned on the subject property, the Council shall take action on such request, if City Council approval is necessary as provided in this Section.
- f. Where written protest against a proposed PD District is made and signed by (a) the owners of 20 percent or more of the area subject to the PD District ordinance or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed PD District shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

7. Amendments to PD District Ordinance

Any amendments to the terms and conditions of an approved PD District ordinance shall be subject to review and reconsideration, in accordance with procedures set forth in subsections 1 through 6 above.

8. Site Plan Required

- a. No building permit may be issued and no construction or development requiring a building permit and situated within a PD District may commence unless a site plan has been approved for that phase of the project that is consistent with the approved concept

plan. A site plan that is not consistent with the approved concept plan and specific PD District ordinance shall not be approved.

- b. Upon approval of a PD District, the applicant may submit a site plan to the City Manager for each phase of the development in accordance with the phasing schedule of the concept plan.

9. Approval of Minor Site Plans by City Manager

The City Manager or his/her designee may approve a site plan for development within a Planned Development District under the following conditions:

- a. The site plan is for the development of a use or uses allowed by the approved PD District ordinance specific to the subject site, and is not for the purpose of designating the allowable land uses on a particular tract or tracts, and meets the intent of the approved concept plan; or
- b. The site plan represents a minor change from the approved site plan; or
- c. The purpose of the site plan is to allow the expansion of an existing building, if the proposed expansion is consistent with the overall PD District conditions for that existing building, and if the proposed expansion meets all the requirements of the applicable PD District ordinance; and
- d. The site plan meets all requirements of other applicable City ordinances.

10. Approval of Major Site Plans by Planning Commission

- a. The site plan for the first phase of a planned development may be considered and approved by the City Council simultaneously with approval of the PD District ordinance incorporating the concept plan.
- b. For site plans which cannot be approved administratively by the City Manager as described above, the City Manager shall forward the site plan to the Planning Commission, which shall review the site plan and either approve, approve with conditions, or deny the site plan based on the criteria set forth below.
- c. For developments consisting solely of single-family detached residential uses, a final plat may serve as the required site plan.

11. Site Plan Approval Criteria

In approving or denying a site plan submitted under this Section, the following criteria shall be considered:

- a. safety of vehicular and pedestrian movements for the facility and area surrounding the site;
- b. safety from fire hazards and required means of fire control;
- c. protection from flooding and water damage;
- d. noise and lighting glare, and effect of such on adjacent neighborhoods;
- e. relation of signs to traffic control and effect on adjacent properties;
- f. adequacy of off-street parking and loading facilities;
- g. appropriateness of ingress and egress points for access, parking and loading, including existing and proposed ingress/egress/access easements and internal circulation, and protection of the public health by appropriate surfacing of all parking areas to control dust;
- h. appropriate placement of landscaping and screening;
- i. site coverage by structures and other improvements, and resulting impacts;
- j. location of structures and other improvements relative to appropriate setbacks, height limitations, maintenance of views and sight lines, as well as other aesthetic considerations; and
- k. such other measures as might secure and protect the public health, safety, and general welfare.

12. Amendments to Approved Site Plans

After approval of a site plan for construction in a PD District, minor alterations to the plan that do not affect the subdivision of the land, the general character or overall design of the plan may be approved by the City Manager. The City Manager may refer revisions to the Planning Commission in cases where the proposed revision constitutes a substantial alteration. Revisions submitted to the Planning Commission shall follow the same procedure required for approval of a major site plan.

13. Appeals

- a. Any minor site plan that is denied by the City Manager may be appealed by the applicant to the Planning Commission within 10 days of the final action.
- b. Any major site plan that is denied by the Planning Commission may be appealed by the applicant to the City Council within 15 days of the final action in accordance with the procedures in Sec. 2.10.

Sec. 2.08. Amendments to Text or Official Zoning Map

1. Who May File

- a. **Text Amendment.** An application for amendment of the text of this Zoning Ordinance may be filed by the City Manager, Planning Commission or City Council. Any citizen may petition the Planning Commission, as a whole, to initiate an application for amendment to the text of this Zoning Ordinance
- b. **Map Amendment.** An application for an amendment of the Official Zoning Map (including any amendment required by other procedures in this Article) shall only be filed by the following persons:
 - i. A person, firm or corporation that, together or separately, is an owner of the subject property.
 - ii. An authorized representative of such a person, firm or corporation. A notarized affidavit shall be required from the property owner designating such a representative.
 - iii. The City Council, or Planning Commission acting of its own volition or at petition of the public. A resolution to initiate the amendment process shall appear in the minutes of the official body initiating the request.
 - iv. The City Manager, acting in his/her capacity as technical advisor to the Planning Commission.

2. Submission of Application

A complete application for amendment to the text of this Zoning Ordinance or the Official Zoning Map shall be submitted to the City Manager, along with the appropriate fee.

3. Review by City Manager

After determining that the application is complete, the City Manager shall place the request on a meeting agenda of the Planning Commission.

4. Hearing and Recommendation by Planning Commission

- a. The Planning Commission shall, after required notice, conduct a public hearing on each request for an amendment of the Official Zoning Map. Any citizen may petition the Planning Commission, as a whole, to initiate an application for amendment to the text of this Zoning Ordinance. The Planning Commission shall then have the prerogative of deciding whether to conduct a hearing on any such proposed amendment. If a hearing on a proposed text amendment is not scheduled in advance by the City Manager, the

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Planning Commission may resolve to schedule such a hearing: Regardless of whether a hearing is scheduled by the City Manager or by resolution of the Commission, no hearing on a proposed text amendment shall be conducted until after required notice.

- b. At the public hearing, the Planning Commission shall consider the application, comments and recommendations of City staff, other relevant support materials and public testimony given at the public hearing.
- c. After the close of the public hearing, the Planning Commission shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment based on the criteria in subsection 6 below.
- d. A recommendation by the Planning Commission to deny a request for amendment of the Official Zoning Map shall be the final decision on the matter, if not appealed in writing to the City Council within ten (10) days.
- e. A tie vote by the Planning Commission on any proposed amendment to the Official Zoning Map or the text of this Zoning Ordinance shall be forwarded without recommendation to the City Council.

5. Hearing and Action by City Council

- a. After receipt of the recommendation from the Planning Commission, and after appropriate notice, the City Council shall conduct a public hearing on each proposed change, except for requests to amend the Official Zoning Map which are recommended by the Planning Commission to be denied and are not formally appealed to City Council.
- b. At the public hearing, the City Council shall consider the application, comments and recommendations by City staff, the Planning Commission recommendation, other relevant support materials and public testimony given at the public hearing.
- c. The City Council may approve, approve with modifications, or deny the proposed amendment.
- d. Where written protest against such amendment is made and signed by (a) the owners of 20 percent or more of the area subject to the zone change or (b) the owners of 20 percent or more of the area within 200 feet of the affected area, then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

6. Amendment Criteria

The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by

any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

- a. **Compatible with Plans and Policies.** Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.
- b. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.
- c. **Compatible with Surrounding Area.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
- d. **Changed Conditions.** Whether and the extent to which there are changed conditions that require an amendment.
- e. **Effect on Natural Environment.** Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- f. **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- g. **Development Patterns.** Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.

Sec. 2.09. Development Allowed By Right

Uses allowed by right are those uses that are deemed compatible with other allowed uses of land in a zoning district, provided they are developed in conformity with other applicable regulations of this Zoning Ordinance. A complete application for development allowed by right shall be submitted to the City Manager, along with the appropriate review and inspection fee. If the City Manager determines that the proposed development is in compliance with all requirements of the City's Ordinances, including but not limited to this Zoning Ordinance and the adopted building code, the Building Official shall issue a building permit.

Sec. 2.10. Appeals

1. Who May File

An appeal may be initiated by any owner, applicant, affected adjacent property owner, or resident of the City of Coleman.

2. Appropriate Review Body

- a. **Planning Commission.** The Planning Commission shall review appeals from the following decisions.
 - i. Decision by the City Manager in regard to a minor site plan or amendment thereto in a PD District (Sec. 2.07)
- b. **City Council.** The City Council shall review appeals from the following decisions.
 - i. Decision by the Planning Commission in regard to a conditional use (Sec. 2.05 or a major site plan or amendment thereto in a PD District (Sec. 2.07).
 - ii. Decision by the Planning Commission in regard to a request for expansion of a nonconforming use.
- c. **Zoning Board of Adjustment.** Unless otherwise specified in the subsections above, an appeal that alleges error in a decision or determination made by any administrative official in the routine enforcement of this Zoning Ordinance shall be reviewed by the Zoning Board of Adjustment.

3. Submission of Application

A complete notice of appeal shall be submitted to the City Manager, along with the appropriate application fee.

4. Action

The appropriate review body may reverse, affirm or modify the previous decision or interpretation appealed from, and in so doing, the review body shall be deemed to have all the powers of the officer or decision-making body from whom the appeal was taken, including the power to impose reasonable conditions.

ARTICLE 3

ZONING DISTRICTS ESTABLISHED

3.01 Zoning Districts Identified

The City of Coleman, Texas, is hereby divided into zoning districts as listed in the section.

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
A	Agricultural District
SF-E	Single Family Residential District - Estate
SF-1	Single Family Residential District - 1
SF-2	Single Family Residential District - 2
TF	Two Family Residential (Duplex) District
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
MF	Multifamily District
C-1	Commercial District - Office, Light Retail, and Neighborhood Services
C-2	Commercial District - General
M-1	Manufacturing/Industrial District - Light
M-2	Manufacturing/Industrial District - Heavy
PD	Planned Development District
FP	Flood Plain District

3.02 Description and Purpose of Zoning Districts

A -- AGRICULTURAL DISTRICT

1. General Purpose and Description

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

2. Permitted Uses

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

- a. Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot.
- b. Telephone exchange and utility service building, provided no public business and repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
- c. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of tract.
- d. Temporary metal buildings of less than six hundred (600) square feet which are used for tool and supply storage.
- e. Riding academy or other equestrian related activities.

SF-E--SINGLE FAMILY RESIDENTIAL-ESTATE DISTRICT

1. General Purpose and Description

The Single Family Residential - Estate District is designed to accommodate single-family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single-family residential uses. Densities in this district will not usually exceed one (1) unit per gross acre.

SF-1-- SINGLE FAMILY RESIDENTIAL DISTRICT- I

The Single Family Residential District - 1 is designed to accommodate the standard single-family residential development. The district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.

SF-2 -- SINGLE FAMILY RESIDENTIAL DISTRICT -- 2

The Single Family Residential District - 2 is intended to provide for medium density single-family residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas.

TF--TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT

The purpose of the Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the city's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

MH-1 -- MANUFACTURED HOME DISTRICT

The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision in which most of the lots and housing units are owner-occupied.

MH-2 -- MANUFACTURED HOME PARK DISTRICT

The Manufactured Home Park District is intended to provide for quality manufactured home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

MF-- MULTIFAMILY RESIDENTIAL DISTRICT

The Multifamily Residential District is intended to provide for medium to higher density residential development. This district functions as a buffer or transition between major streets, non-residential areas, or higher density residential areas and lower density residential areas. Density in this district does not ordinarily exceed fifteen (15) units per gross acre.

C-1-- COMMERCIAL DISTRICT - OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES

The Commercial District - 1 is intended for office and shopping facilities which retain a neighborhood service character. The C-1 District is established to accommodate the daily and frequent needs of the community. The following regulations shall be applicable to all uses in the district:

- a. The business shall be conducted wholly within an enclosed building except as specified in Section 9.04;
- b. Required yards shall not be used for storage of merchandise or for the storage of vehicles, equipment, containers, or waste material;
- c. Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

C-2 -- GENERAL COMMERCIAL DISTRICT

The General Commercial District is intended to provide a zoning category similar to the C-1 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted. These uses should be generally located on highways or major streets.

M-1-- MANUFACTURING/INDUSTRIAL DISTRICT-- LIGHT

The Light Manufacturing/Industrial District is established to accommodate those uses which are a non-nuisance type located in relative proximity to residential areas, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the M-2 District may be permitted in the M-1 District.

Uses permitted in the M-1 District are subject to the following conditions:

- a. All business, servicing, or processing, except for off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.
- b. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or

effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of screening.

- c. Permitted uses in the M-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
- d. Permitted uses in the M-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.
- e. Permitted uses in the M-1 District shall not create fire hazards on surrounding property.

M-2 -- MANUFACTURING/INDUSTRIAL DISTRICT-- HEAVY

The Heavy Manufacturing/Industrial District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

Uses permitted in the M-2 District are subject to the following conditions:

- a. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated.
- b. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
- c. All uses permitted in the M-2 district must meet the following performance standards and any appropriate city ordinances:
 - i. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - ii. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - iii. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line

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which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;

- iv. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
- v. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittent, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 db(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and
- vi. Water Pollution: No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

FP -- FLOOD PLAIN DISTRICT

1 General Purpose and Description

The Flood Plain District is designed to provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts. Such areas are designated with a Flood Plain Prefix, FP.

2 Permitted Uses

The permitted uses in that portion of any district having a Flood Plain (FP) prefix shall be limited to the following:

- a. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
- b. Off-street parking incidental to any adjacent main use permitted in the district.

- c. Electrical substation.
- d. All types of local utilities including those requiring specific use permits.
- e. Parks, playgrounds, public golf courses and other recreational areas.
- f. Private open space as part of a Planned Residential Development.
- g. Structures, installations, and facilities installed, operated, and maintained by public agencies for flood control purposes.
- h. Bridle trail, bicycle, or nature trail.

3 City Council Approval Required

No structure shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless such structure has been approved by the City Council after engineering studies have been made and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or public health and welfare.

3.03 Prohibited Uses

The following uses shall be excluded from any and all zoning districts within the City limits of Coleman:

- a. Meat and poultry rendering of by products;
- b. Chemical and nuclear waste storage dumps.
- c. Mobile homes as defined in Section 12.03.
- d. Uses indicated as not allowed in the Use Tables

ARTICLE 4
ZONING DISTRICT MAP

4.01. Zoning District Boundaries Delineated on Zoning District Map

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Coleman, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

4.02. Regulations for Maintaining Zoning District Map

Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

1. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the City manager or his designee and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the Building Official of all changes made to the Zoning District Map.
3. Reproductions of the official Zoning District Map may be made for information purposes.

ARTICLE 5

ZONING DISTRICT BOUNDARIES

5.01. Rules for Determining District Boundaries

The 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 official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
5. Boundaries indicated as parallel to or extensions of features indicated in 1 through 4. above shall be construed as being parallel. Distances not specifically indicated on the original Zoning Map shall be determined for the graphic scale on the map.
6. Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
7. Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections 1. through 6, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified A -- Agricultural District, temporarily. In an area determined to be temporarily classified as A -- Agricultural District, no person shall construct, add or to alter any building or structure or cause the sale to be done, nor shall any use be located therein or on the land which is not permitted in an A -- Agricultural District, unless and until such territory has been zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

ARTICLE 6
ZONING OF ANNEXED TERRITORY

6.01. Permanent Zoning Concurrent With Zoning

An area or areas being annexed to the City of Coleman shall ordinarily be given permanent zoning concurrently with the annexation.

6.02. Temporary Classification

In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as A -- Agricultural District, until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The City Council shall determine a permanent zoning for such area as soon as practicable after annexation.

6.03. Regulations in Areas Temporarily Classified

In an area temporarily classified as A -- Agricultural District:

1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Coleman without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council, as may be required.
2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in a zoning district other than the Agricultural District by the City Council in the manner prescribed by law.

ARTICLE 7
USE OF LAND AND BUILDINGS

7.01. Uses.

Except as provided in Article 10 of this ordinance, no land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the Schedule of Uses listed in the following tables.

7.02. LEGEND FOR INTERPRETING SCHEDULE OF USES

- * **X** Designates use *permitted* in district indicated.
- * Designates use *prohibited* in district indicated.
- * **S** Designates use which may be approved as *Specific Use Permit*.
- * **C** Designates use which may be approved as a *Conditional Use*.

7.03. DESCRIPTIONS/DEFINITIONS OF USES

7.03.1. Residential Users

- 1. Boarding or Rooming House:** A building, other than hotel or multiple family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms. Facilities usually referred to as "bed and breakfast" arrangements are included in this definition.
- 2. Community Home:** Community Home is a community-based residential home operated by: the Texas Department of Mental Health and Mental Retardation, a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities, an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), or an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or a personal care facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with surrounding residential buildings. See Section 123.004 in the Texas Human Relations Code.

A Community Home shall provide all the following services to persons with disabilities as defined by the Americans with Disabilities Act who reside in the home:

- i. food and shelter;
- ii. personal guidance;
- iii. care;
- iv. habitation services.

3. Dormitory: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

4. Duplex. See Two Family Dwelling.

5. Garden (Patio) Home: A free-standing, detached structure used for residential purposes, built in accordance with standards set out in Section 9.01(2).

6. Garage Sales

a. **Definitions**

As used herein Garage Sale shall mean the sale of items normally accumulated by a household.

b. **Frequency**

No more than three (3) Garage Sales shall be allowed for the same location in any year. The duration of the Garage Sale shall not exceed three (3) consecutive days.

c. **Resale.**

No items of personal property shall be purchased for Garage Sale with the intent or for the purpose of resale.

d. **Outside Sales.**

No items for sale may be displayed outside of the residence, garage, carport or driveway.

e. **Signs.**

One unlighted sign (the "sign") not exceeding twelve (12) square feet in area shall be permitted. The sign shall pertain only to the Garage Sale, shall be located in the property, and shall only be permitted during the three (3) day period of the sale.

7. **Guest House:** Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having kitchen facilities and not rented or otherwise used as a separate dwelling.
8. **Manufactured Housing, HUD Code:** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.
9. **Manufactured Home Park:** Any tract of land under single ownership of not less than one (1) acre and not more than ten (10) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Clyde relating to the location, use, construction, operation, or maintenance of manufactured housing.
10. **Motel, Motor Hotel, or Motor Lodge:** A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation. Units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or

motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

11. Multiple Family Residence. Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three {3} or more dwelling units or apartments or which is occupied as a home or place of residence by three {3} or more families living in independent dwelling units.

12. Residence Hotel. A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, 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 in this ordinance.

13. Retirement Housing: A development providing dwelling units specifically designed for the needs of ambulatory or retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

- a) cafeteria and/or dining room
- b) library
- c) game room
- d) swimming pool and/or Jacuzzi
- e) exercise room
- f) arts and crafts facilities
- g) greenhouse
- h) housekeeping service
- i) transportation service
- j) snack bar with a maximum of 350 square feet per 100 dwelling units
- k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units
- l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts
- m) a pharmacy.

14. Servant's, Caretaker's, or Guards' Residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one kitchen and at least one bathroom facility and used as living quarters for a person or person employed on the premises for not less than fifty percent {50%} of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.

15. **Single Family Dwelling Attached:** A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.
16. **Single Family Dwelling, Detached:** A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.
17. **Townhouse or Row Dwelling:** One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.
18. **Travel Trailer Park:** Any tract of land under single ownership, two (2) acres or more, where accommodations are provided for travel trailer use.
19. **Two Family Dwelling:** A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.
20. **Zero Lot Line House:** A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code. See Garden Home.

7.03.2. Educational, Institutional, and Special Uses

1. **Cemetery or Mausoleum**
2. **Child Care Center:** An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term “Child Care Center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school (Also see Registered Family Home).
3. **Church, Rectory, or Place of Worship:** A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis; teachers, or directors on the premises.

4. **Civic Center:** A building or complex of buildings that houses municipal offices and services and which may include cultural, convention and/or entertainment facilities owned and/or operated by a governmental agency.
5. **College or University.** An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.
6. **Community Center, Public:** A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.
7. **Community Center, Private:** A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit.
8. **Country Club (Private):** Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.
9. **Exhibition Area:** An area or space either outside or within a building for the display of topic-specific goods or information.
10. **Fairgrounds:** An area where outdoor fairs, circuses or exhibitions are held.
11. **Farm, Ranch, or Orchard:** An area of five (5) acres or more which is used for growing of usual farms products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance of law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.
12. **Feedlot:** Area used for the confined feeding of domesticated animals raise for food
13. **Fraternal Organization, Lodge, or Civic Club:** An organized group having a restricted membership and specific purpose related to the welfare of the members.

14. **Golf Course:** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.
15. **Golf Driving Range:** An area for practicing golf may or may not be associated with a golf course. See Section 8.10.
16. **Greenhouse or Plant Nursery, Commercial:** A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold including related storage of equipment for landscape contracting.
17. **Greenhouse, Non-Commercial:** A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.
18. **Health Club Gymnasium**
19. **Hospital (Chronic and Acute Care); Long Term Health Care Facility:** An institution providing both in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury and disease or to injured patients who need medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.
20. **Household Care Facility:** A dwelling unit which provides residence and care to not more than nine (9) 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 adversity; living together with no more than two supervisory personnel as a single housekeeping unit.
21. **Kennel:** Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received. *Existing animal control limits animals in residential districts.*
22. **Library:** Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
23. **Museum or Art Gallery:** An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

24. **Nursery School; Kindergarten:** A child care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old.
25. **Nursing Home:** See Rest Home.
26. **Park, Playground, or Recreation Center (Public):** An open recreation facility or park owned and operated by a public agency and available to the general public.
27. **Park, Playground, or Recreation Center (Private):** A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.
- 28. Prison, Jail, Place of Incarceration**
29. **Race Track:** A facility used for the racing of motor-driven vehicles and/or animals.
30. **Registered Family Home:** A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 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, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child Care Center).
31. **Rehabilitation Care Facility:** A dwelling unit which provides residence and care to not more than four (4) 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 supervisory personnel as a single housekeeping unit.
32. **Rehabilitation Care Institution:** A facility which provides residence and care to five (5) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.
33. **Rest Home or Nursing Home:** A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.
34. **Rodeo Arena**

35. **School, Public (Primary or Secondary):** An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
36. **School, Trade or Commercial:** Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction on a trade, art, or occupation.
37. **Shooting Range, Target Range, Outdoor**
38. **Shooting Range, Target Range, Indoor**
39. **Specialty Schools:** Schools not dedicated to public or private school curriculum. Specialty schools include schools teaching: Dance, Music Art and similar activities as their primary function.
40. **Stable, Commercial:** A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction, or similar trading activity.
41. **Stable, Private:** An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one acre area of a farm or lot.
42. **Stadium or Play field, Public:** An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.
43. **Swimming Pool, Commercial:** A swimming pool with accessory facilities, any part of the facilities are available to the public for a fee or as a private club.
44. **Swimming Pool, Private:** A swimming pool as an accessory facility to a private residence.

7.03.3. Transportation, Utility and Communications Uses

1. **Airport, Landing Field:** A place where an aircraft can land and take off, usually quipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.
2. **Electric Power Generating Plant:**

3. **Electrical Substation:** A subsidiary station in which electric current is transformed.
4. **Electrical Transmission Line**
5. **Gas Metering Station:** Facility at which natural gas flows are regulated and recorded.
6. **Gas Transmission Line**
7. **Helipport or Helistop:** A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.
8. **Landfill**
9. **Liquefied Petroleum Gas Storage/ Sales Location/ Not Bulk Storage**
10. **Local Utility Distribution Lines**
11. **Radio, Television, or Microwave Communications Operators, Amateur:** The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.
12. **Public Private Franchised Utility**
13. **Radio, Tower Amateur**
14. **Television, or Microwave Communications Operations, Commercial:** The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.
15. **Railroad Station:** Any premises for the transient parking of trains and the loading and unloading of passengers.
16. **Railroad Team Track and Right-Of-Way:** A facility/place for the loading and unloading of materials on trains.
17. **Railroad Track and Right-Of-Way:** Includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.
18. **Service Yard of Governmental Agency:** An area for the servicing and

storage of vehicles or other property of a governmental agency.

19. **Sewage Treatment Plant**

20. **Shops, Office, and/or Storage Area of Public or Private Utility:** The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

21. **Solid Waste Transfer Station:** A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

22. **Telephone Exchange:** A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

23. **Transit Station or Turnaround**

24. **Water Pumping Station or Well/ Public Utility**

25. **Water Storage Elevated**

26. **Water Storage Ground**

27. **Water Treatment Plant**

7.03.4. Automobile and Related Service Uses

1. **Auto Laundry:** See Car Wash.

2. **Auto Leasing:** Storage and leasing of automobiles, motorcycles, and light load vehicles.

3. **Auto Parts Sales (Inside):** The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor trailers, or recreational vehicles.

4. **Auto Parts Sales (Outside):** The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor trailers, or recreation vehicles.

5. **Automobile Repair, Major:** General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor", and other similar uses.

6. **Automobile Repair, Minor:** Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.
7. **Automobile and Trailer Sales, New:** Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises. See Section 8.04.
8. **Automobile and Trailer Sales, Used:** Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sale area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises. See Section 8.04.
9. **Automobile Service Station:** A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.
10. **Auto Storage:** The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.
11. **Automobile Wrecking Yard of Junk Yard:** Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the

- storage, sale, or dumping of dismantled or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.
12. **Bus Terminal:** Any premises for the transient housing or parking of motor- driven buses and the loading and unloading of passengers.
 13. **Car Wash:** Facility or structure used to wash motorcycles, automobiles, vehicles and trucks.
 14. **Motorcycle Sales and Service**
 15. **Parking Lot or Parking Garage, Automobile:** Area for parking light load vehicles.
 16. **Parking Lot or Parking Garage, Truck:** Area for parking heavy load vehicles.
 17. **Quick Oil Change Facility:** A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All old oil shall be kept in sumps until removed by pumper trucks.
 18. **Quick Tune-up Facility:** A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.
 19. **Tire Dealer (No Outside Storage)**
 20. **Tire Dealer (With Outside Storage)**
 21. **Tire Retreading and Recapping**
 22. **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 is done.
 23. **Truck and Bus Repair:** An establishment providing major and minor automobile repair services to heavy load vehicles.

24. **Truck or Motor Freight Terminal:** A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
25. **Truck Sales:** Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises. See Section 8.04.

7.03.5. Retail and Service Type Uses

1. **Adult Bookstores, Adult Film Store, Adult Movie Arcade, Adult Cabaret, Adult Encounter Parlor, Adult Lounge, Adult Dive In, Adult Retail Store** (See Section 8.02 and Article 12 - "Definitions" for detailed definitions.
2. **Air Conditioning and Refrigeration Contractor:** A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law.
3. **Amusement, Commercial (Indoor):** An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.
4. **Amusement, Commercial (Outdoor):** An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.
5. **Antique Shop:** A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sale and storage occurring inside a building.
6. **Arcade:** An establishment in which there are located six (6) or more coin operated skill or pleasure machines or three (3) or more billiard or pool tables.

see Section 8.08.

7. **Arts and Crafts Store (Inside Sales)**
8. **Bakery and Confectionery, Retail Sales:** A place for preparing, cooking, baking and selling of products on the premises.
9. **Bakery and Confectionery, Commercial:** A place for preparing, cooking or baking of products primarily intended for off-premise distribution.
10. **Bank, Savings and Loan, Credit Union:** An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.
11. **Bar or Tavern:** A place where beer, wine mixed alcoholic beverages are sold for consumption on the premises as the primary business activity. Primary business activity requires that the establishment derives more than 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages. Bars may be established in an appropriate zone as a conditional use subject to the following:
 - a. A bar or tavern may not be closer than 500 feet from a church, public or private school or public hospital, public park or private residence as measured from the closest property lines. [ABC Sec. 109.57 (d)(2)]
12. **Barber Shop:** A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann.Civ.St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.
13. **Barber School or College:** A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann.Civ.St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.
14. **Beauty Culture School; Cosmetology Specialty Shop:** A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451.
15. **Beauty Shop:** A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451, is practiced.
16. **Building Materials, Hardware Sales (Inside Storage):** The sale of new building materials and supplied indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

- 17. Building Materials, Hardware Sales (Outside Storage):** The sale of new building materials and supplied indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.
- 18. Business Service:** Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.
- 19. Cabinet and Upholstering Shop:** An establishment used for the production, display and sale of furniture and soft coverings for furniture.
- 20. Cleaning and Dyeing, Small Plant or Shop:** A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant).
- 21. Clinic, Medical or Dental:** A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.
- 22. Convenience Store:** A retail establishment providing for the sale of food, alcoholic and non-alcoholic beverages, items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.
- 23. Custom Personal Service Shop:** Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.
- 24. Discount, Variety, or Department Store:** A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.
- 25. Drapery, Needlework or Weaving Shop**
- 26. Engine and Motor Repair**
- 27. Farm Equipment Sales and Service**
- 28. Feed and Farm Supply Store (Inside Sales):** An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

- 29. Feed and Farm Supply Store (Outside Sales):** An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.
- 30. Flea Market:** A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.
- 31. Florist:** An establishment displaying plants, flowers, floral supplies, and similar items.
- 32. Food Store, Grocery Store:** An establishment that displays and sells consumable goods that are not to be eaten on the premises.
- 33. Furniture, Appliance Store:** Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.
- 34. Garden Center (Retail Sales):** Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.
- 35. General Merchandise Store:** Retail stores which sell a number of lines of merchandise including but not limited to dry goods apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.
- 36. Handcraft Shop**
- 37. Heavy Machinery Sales**
- 38. Household Appliance Service and Repair:** The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and rangers, kitchen appliances, vacuum cleaners, and hair dryers.

39. Laboratory, Medical or Dental

40. Laboratory, Scientific or Research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

41. Laundry and Cleaning Self-Service: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

42. Laundry Cleaning Commercial

43. Metal Dealer, Secondhand: A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann.Civ.St., art.9009. (Also see Junk or Salvage Yard).

44. Metal Dealer, Crafted Precious: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or heir alloys, including coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St.,art.990a.

45. Newspaper Printing

46. Office Center: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

47. Office, Professional or General Administrative: A room or group of rooms used for the provision of executive management, 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 association but excluding medical offices.

48. Office - Showroom/Warehouse: An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

- 49. Pawn Shop:** An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).
- 50. Personal Service Shop:** An establishment primarily engaged in providing services generally involving the area of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.
- 51. Pet Shop or Animal Salon:** A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.
- 52. Pharmacy**
- 53. Plumbing, Heating, Refrigeration, or Air-Conditioning Business:** An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor).
- 54. Plumbing Service:** The operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off- premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.
- 55. Portable Building Sales:** An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.
- 56. Post Office, Government or Private:** Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.
- 57. Print Shop:** An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding,* plate making, microform, type casting, press work, and printmaking.
- 58. Racquetball Facilities:** Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and

related uses up to a maximum of forty percent (40%) of the total floor area.

59. Restaurant (Without Drive Through): A place where the primary business is the preparation and sale, on the premises, of food to members of the general public, and providing kitchen facilities separate and apart from the area of the premises devoted to public dining and which may or may not provide live entertainment to patrons of the premises.

60. Restaurant (With Drive Through)

61. Retail Stores and Shops (Other than listed): Establishments offering all types of consumer goods for sale except food and beverages, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

62. Second Hand Store, Furniture or Clothing: An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

63. Service, Retail: An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

64. Shopping Center: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

65. Storage or Repair of Furniture and Appliances (Inside Storage and Operations)

66. Storage or Repair of Furniture and Appliances (With Outside Storage)

67. Radio or Television Studio

68. Tanning Salon

69. Tattoo Parlor

70. Taxidermist

71. Theatre (Indoor)

72. Theater (Outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

73. Tool Rental Shop

74. Trailer, Manufactured Housing, or Mobile Home Display and Sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

75. Trailer Rental: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

76. Veterinarian Clinic (No Outside Pens)

77. Veterinarian Clinic (Outside Pens)

78. Washateria: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self- service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self- Service).

7.03.6. Manufacturing, Storage, and Warehousing Uses

- 1. Acetylene Gas Manufacture or Storage**
- 2. Acid Manufacture**
- 3. Advertising Displays Manufacture**
- 4. Alcohol Manufacture**
- 5. Ammonia, Bleach or Chlorine Manufacture**
- 6. Apparel and Other Products Assembled from Finished Textiles**

7. Arsenal
8. Asphalt Manufacturing or Refining
9. Blast Furnace
10. Boat Building and Repair
11. Boiler Works
12. Bookbinding (Except Hand Binding)
13. Bottling Works: A manufacturing facility designed to place a product into a bottle for distribution.
14. Brick, Tile, Pottery or Terra Cotta Manufacture (Other and Hand Crafted)
15. Brooms or Brushes Manufacture
16. Building Materials (Inside Storage)
17. Building Materials (Outside Storage)
18. Cameras or other Photographic Equipment Manufacture
19. Candle Manufacture
20. Carpet Manufacture
21. Celluloid Manufacture of Treatment
22. Cement, Lime, Gypsum Manufacture
23. Ceramics, Stone, Glass, Marble Products Manufacture
24. Chemical Manufacturing
25. Cleaning and Dyeing: Dry Cleaning Plant: An industrial facility where fabrics are cleaned and substantially nonaqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop, Section 23.5.11).
26. Coal, Coke or Wood Yard
27. Concrete, Asphalt Batching Plant (Permanent)

- 28. Concrete, Asphalt Batching Plant (Temporary)**
- 29. Contractor's Shop and Storage Yard**
- 30. Cosmetic Manufacture**
- 31. Cotton Gin**
- 32. Cotton Seed Oil Manufacture**
- 33. Creosote Treatment**
- 34. Dairy Products Processing**
- 35. Disinfectant Manufacture**
- 36. Drugs of Pharmaceutical Manufacture**
- 37. Dye Manufacture**
- 38. Electrical Appliances, Supplies, Machinery Assembly or Manufacture**
- 39. Explosives of Fireworks Manufacture or Storage**
- 40. Farm Supply Sales (Inside)**
- 41. Farm Supply Sales (Outside)**
- 42. Fat Rendering**
- 43. Fertilizer Manufacture**
- 44. Fiberglass Manufacture**
- 45. Food Products Processing**
- 46. Forge Plant**
- 47. Foundry**
- 48. Furniture Manufacture**
- 49. General Commercial Plant:** An establishment other than listed for the treatment and/or processing of products as a service on a for-profit basis.

- 50. General Manufacturing:** (Other than Specifically Listed). Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.
- 51. Glass Products**
- 52. Glue or Gelatin Manufacture**
- 53. Grain Elevator**
- 54. Hatchery**
- 55. Herbicide Manufacture**
- 56. Household Appliance Products Assembly or Manufacture from Prefabricated Parts**
- 57. Ice Production**
- 58. Industrial Park:** A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- 59. Junk or Salvage Yard:** A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand)
- 60. Light Manufacturing (Other Than Listed):** 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.
- 61. Meat Processing**
- 62. Metal Fabrication**
- 63. Mill (Grain, Flour, food products)**

64. Mines and Quarries

65. Oil Field Service

66. Petroleum Products Sales (Wholesale)

67. Pipe Sales and Supply

68. Pump Sales, Repair and Maintenance

69. Scrap Metal Sales and Storage

70. Self-Storage, Mini-Warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

71. Storage or Wholesale Warehouse, Light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

72. Storage or Wholesale Warehouse, Heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

73. Wrecking Yard {Junk Salvage Yard}

7.03.7. Accessory Uses

- 1 **Accessory Building or Use:** An accessory building or use is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served.
- 2 **Carport:** A structure open on a minimum of two (2) sides designed or used to shelter vehicles, not to exceed thirty-six (36) feet on its longest dimension.
- 3 **Construction Yard (Temporary):** A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office.
- 4 **Field or Sales Office (Temporary):** A building or structure, of either

permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed eighteen (18) months. Extensions maybe granted only by the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

- 5 **Garage, Private:** A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Article 8
Specific Use Standards

Sec. 8.01. Accessory Uses and Structures

Principal uses classified as allowed uses by the district regulations of this Zoning Ordinance shall be deemed to include accessory uses and activities that are customarily associated with, as well as appropriate, incidental and subordinate to allowed principal uses. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise expressly stated.

1. Accessory Buildings or Structures

- a. **Setbacks.** An accessory building may be detached from the principal building, or constructed such that it is physically attached to the principal building.
 - i. An accessory building attached to a principal building, or located within 10 feet of a principal building, shall be considered integral to the principal building, and shall meet the same minimum side and rear setback requirements as the principal building.
 - ii. Except for those carports allowed in Sec. 10.13, no accessory building, either attached or detached, shall be allowed within the minimum front yard required on the lot.
 - iii. An accessory building that is detached from the principal building, or attached with only a breezeway, shall be allowed to extend into the required side or rear yard as follows:
 - A. Where the wall or edge of the roof will adjoin a street or alley right-of-way, five (5) foot setback shall be required; and
 - B. Where the wall or edge of the roof will adjoin any other side or rear lot line, a minimum setback of five (5) feet from that side or rear lot line shall be maintained.
- b. **Size.** A maximum accessory building floor area of 600 square feet or 50 percent of the floor area of the principal building, whichever is greater, shall be permitted on any residential lot so long as the area restrictions in the district are not violated. Bona fide farm and agricultural buildings shall be exempt from this requirement.
- c. **Prohibited Structures.** Shipping crates, railroad cars, truck or bus bodies and other similar containers shall not be used as accessory buildings in any residential district.

2. Satellite Dish Antennas in Nonresidential Districts

Satellite dish antennas in nonresidential districts shall meet the following conditions for installation.

- a. All permanent installations shall be installed according to the manufacturer's requirements and shall meet appropriate building setbacks.
- b. All antennas, whether for sales and service or for permanent installation, shall be located in a manner that will not interfere with pedestrian or vehicular movement, shall not be a visual obstruction to traffic, and will not eliminate off-street parking spaces required by this Zoning Ordinance.

3. Satellite Dish Antennas in Residential Districts

Satellite dish antennas in residential districts shall meet the following conditions for installation.

- a. Antennas shall not be located in required front or side yards.
- b. The minimum distance between any point of the antenna and any property line shall be two feet.
- c. Installation on a roof is allowed, provided the total height of the structure and the antenna does not exceed the district standard set forth in Article 5.

Sec. 8.02. Adult Entertainment Enterprise/Sexually Oriented Businesses

1. Location

All structures housing adult entertainment enterprises shall be located only in the M-1 and M-2 zones in accordance with the following:

- i. At least 1000 feet from the property boundary line of any lot used for church purposes, or any lot occupied by a public or private school having a curriculum equivalent to an elementary or secondary school (including outdoor athletic and recreation facilities directly associated with such a school).
- ii. At least 1000 feet from another structure housing an adult entertainment enterprise.
- iii. At least 500 feet from the boundary line of any residentially zoned lot or any Jot or tract used for public park purposes.

2. Measurements

- i. Measurements for determining the distances described above are to be measured in a straight line in all directions from the structure housing the adult entertainment enterprise to the nearest property line of any lot in a residentially zoned district, or any lot used for

church or school, or any public park, or to any structure housing another adult entertainment enterprise.

- ii. The measurements for a structure shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.
- iii. Should the adult entertainment enterprise be located in conjunction with other buildings in a manner where the adult entertainment enterprise is clearly separated from other portions of the structure (for example, an adult bookstore in a shopping center), the adult entertainment enterprise structure's measurements shall be taken from the boundaries of the space in which the adult entertainment enterprise is housed or confined (not the entire shopping center, motel, or other such structure).
- iv. Should the adult entertainment enterprise be located in conjunction with other buildings in a manner where the adult entertainment enterprise is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, an adult bookstore on an upper level of an office tower or hotel), the adult entertainment enterprise measurements shall be taken from the nearest entry to that portion of the structure housing the adult bookstore, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point on any lot in a residential district, or any lot or tract used for church, school or public park purposes, and to any structure housing another adult entertainment enterprise.

3. Compliance Review

Any person wishing to establish an adult entertainment enterprise must submit a site plan to the City Manager setting out the dimensions and specific location of the adult entertainment enterprise in relation to lot boundaries, in addition to a signed and notarized statement certifying the proposed adult entertainment enterprise (represented on the accompanying site plan) complies with the location requirements set forth above. It shall be the responsibility of said applicant to provide the site plan and assure compliance with the location requirements of this Section. The applicant's submission of this site plan and certification shall signify initiation of the review process. The City Manager shall have no more than 30 days to review the site plan and cite, in writing, any potential violations of provisions of this Zoning Ordinance.

4. Non-Enlargement and Priority By Time

If two or more adult entertainment enterprises are within 1000 feet of one another and otherwise in a permissible location, the adult entertainment enterprise which was first established and continually operating at a particular location is the conforming use, and the later established business is nonconforming. Such nonconforming use shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.

5. Expansion of Neighbors

An adult entertainment enterprise lawfully operating as a conforming use after adoption of this Zoning Ordinance is not rendered a nonconforming or illegal use by the location of a church, school, public park, or residentially zoned lot established after approval of the adult entertainment enterprise.

6. Exemption from Locational Requirements

- i. In the event an owner of an existing or proposed adult entertainment enterprise wishes to claim an exemption from the provisions of this Section, the owner shall make application for a locational exemption from the requirements of this Section.
- ii. The City Council shall grant an exemption from the locational restrictions, only if it makes all of the following findings:
 - i. that the location of the adult entertainment enterprise will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - ii. that the granting of the exemption will not violate the spirit and intent of this Zoning Ordinance;
 - iii. that the location of the adult entertainment enterprise will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - iv. that the location of adult entertainment enterprise will not be contrary to any program of neighborhood conservation, nor will it interfere with any urban renewal or restoration efforts; and
 - v. that all other applicable provisions of this Zoning Ordinance will be observed.
- iii. If an exemption is denied by the City Council, the applicant may seek prompt judicial review of such action in any court of competent jurisdiction.
- iv. If the City Council grants an exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, an adult entertainment enterprise will be in violation of the locational restrictions of this Section and the nonconforming use shall be illegal and shall terminate, unless the applicant applies for and receives another exemption. Such application shall be made with the Coleman City Secretary at least 60 days prior to the expiration of the exemption.
- v. The grant of an exemption does not exempt the applicant from any provisions of this Zoning Ordinance, other than the locational restrictions of this Section.

7. Appeal of Administrative Determinations

If existing or potential violations of any provisions of this Section are cited by the City Manager, the person wishing to establish an adult entertainment enterprise shall have the right to appeal such interpretation to the Zoning Board of Adjustment which shall hear the case within 45 days of the appeal. The Board shall render its decision at or before the conclusion of the meeting. If the Zoning Board of Adjustment upholds the City Manager's interpretation of potential violations, the person may seek prompt judicial review of such action in any court of competent jurisdiction. The action shall be promptly reviewed by the court.

Sec. 8.03. Reserved for Expansion

Sec. 8.04. Auto and Truck Sales

No outdoor speakers used in conjunction with the sales of cars or trucks are permitted within 500 feet of any residential zoning district or any lot or tract of land occupied by a residential use.

Sec. 8.05. Bed and Breakfast Establishments

A Bed and Breakfast may be allowed as a special use in residential zoning districts where transient lodging is not ordinarily allowed, subject to the following standards.

- i. The operator of the Bed and Breakfast is a full-time resident of the dwelling in which the Bed and Breakfast establishment is housed.
- ii. No more than one person who is not a full-time resident of the dwelling shall be employed by the Bed and Breakfast establishment.
- iii. A minimum of two off-street parking spaces, plus one additional space per guest room, shall be provided on the same lot or tract of land as the Bed and Breakfast establishment.
- iv. A maximum of four guest rooms shall be provided in any one Bed and Breakfast establishment.
- v. No exterior evidence of the Bed and Breakfast shall be allowed, except for one attached sign no larger than twelve square feet.
- vi. No food preparation, except beverages, is allowed within individual guest rooms. Meal service shall be provided to overnight guests only.
- vii. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas and the City of Coleman.
- viii. The resident operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.

- ix. In approving a special use allowing any Bed and Breakfast in R-1 zoning district, City Council shall make a finding that the subject site shall be located in a transitional area. For the purpose of this paragraph, a transitional area shall be:
- a. An area situated between land uses of different intensity and compatibility, and which is impacted by its proximity to one or more such uses; or
 - b. An area situated on the boundary of a residential district adjacent to a more intensive zoning classification; or
 - c. An area situated adjacent to an arterial street.

Sec. 8.06. Community Homes

To qualify as a community home allowable as Household Living, a residence must conform to all standards of this Section.

- a. A Community Home must be:
 - i. a community-based residential home operated by:
 - A. the Texas Department of Mental Health and Mental Retardation,
 - B. community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities,
 - C. an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), or
 - D. an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
 - E. a personal care facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with surrounding residential buildings. See Section 123.004 in the Texas Human Relations Code.
 - b. A Community Home shall provide all the following services to persons with disabilities who reside in the home:
 - i. food and shelter;
 - ii. personal guidance;
 - iii. care;

- iv. habitation services; and
 - v. supervision.
- c. Subject to variance procedures, not more than six persons with disabilities (as defined in this Zoning Ordinance) and two supervisors may reside in a community home at the same time. The limitation or number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
 - d. A Community Home must meet all applicable licensing requirements.
 - e. A Community Home shall not be established within one half mile of an existing Community Home.
 - f. The residents of a Community Home shall not keep for the use of residents of the home, either on the premises or on a public right-of-way adjacent to that home, motor vehicles in numbers exceeding the number of bedrooms in that home.

Sec. 8.07. Reserved for expansion

Sec. 8.08. Arcade (Video Game Hall, Bingo, Billiard/Pool Hall)

No Arcade shall be allowed within 500 feet of a lot or tract of land occupied by any building used for a public or private school offering a curriculum equivalent to an elementary or secondary school.

Sec. 8.09. Gasoline Pump Island Canopies

1. Parallel to the Public Right-of-Way

Gasoline pump island canopies that are not connected to another structure may extend to the property line, provided the posts, poles, bases and other supporting structures are set back a minimum of 12 feet from the property line where the pump island is situated parallel to the public right-of-way.

2. Not Parallel to the Public Right-of-Way

Gasoline pump island canopies that are not connected to another structure may extend to the property line, provided the posts, bases and other supporting structures are set back a minimum of 20 feet from the property line where the pump island is not situated parallel to the public right-of-way. The measurements are to be made at right angles to the property line.

Sec. 8.10. Golf Driving Range

In approving a special use allowing a golf driving range in or nearby a residential zoning district, City Council shall take appropriate measures to minimize ill effects of harsh or uncomfortably

bright light (i.e., glare) emanating from nighttime illumination, on any residentially zoned lot located outside the golf driving range.

Sec. 8.11. Home Occupations

In order to provide peace, quiet and domestic tranquility within all residential neighborhoods within the City and in order to help all residents gain freedom from excessive noise, excessive traffic, nuisance, fire hazards and other possible side effects of commercial uses being conducted in residential areas, the following standards shall apply to all home occupations.

1. Criteria

- a. No person, other than members of the family who reside in the dwelling where a home occupation occurs, may engage in such occupation, profession, domestic craft, instructional or economic enterprise.
- b. The area utilized for the home occupation shall not exceed 25% of the gross floor area of the principal building where the home occupation occurs.
- c. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emissions of sounds, noise or vibrations. A home occupation shall produce no offensive noise, dust, odors or heat. A home occupation shall be completely contained within the principal building. Any noise, vibration, smoke, electrical interference, dust, odors, heat or visual or audio interference detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multi-family structure, shall constitute a violation of the terms of this Section.
- d. No detached accessory building may be used in conjunction with a home occupation.
- e. All material, equipment, and/or supplies used in conjunction with a home occupation shall be completely enclosed with no exterior storage, temporary or permanent, allowed.
- f. No stock, goods, wares or merchandise shall be sold on the premises other than that which is prepared or produced upon the premises. Direct sales on the premises of other merchandise is allowed by prior individualized invitation.
- g. Signage for home occupations shall be limited to one non-illuminated sign with a maximum area of two square feet.
- h. Delivery and pickup of materials to and from the home occupation shall not exceed two trips per week by a commercial vehicle.

2. Allowed Uses

- a. Allowed home occupations include, but are not limited to, the following.

- i. Teaching, tutoring, counselling or treatment of persons at a residence, so long as such services are provided to no more than 10 persons per day (at that residence) and for no more than 6 days per week.
 - ii. The care of not more than 6 children under the age of 14 years during any one calendar day (excluding the caregiver's own children), and the care of an additional 6 elementary school age children during non-school hours only, so long as the total number of children (including a caregiver's own minor children) does not exceed a maximum of 12 at any given time. In appropriate circumstances following a hearing the Zoning Board of Adjustment may allow for the keeping of more than 12 children, so long as such variance does not adversely affect the residential character of the neighborhood. Such a review shall follow the procedures for the granting of variances generally.
- b. Allowable home occupations shall not include the following.
- i. Hair cutting or styling shops, nail salons or other beauty or cosmetic-related business.
 - ii. Tattoo parlours.
 - iii. Pet grooming.
 - iv. Any form of repair shop.

3. Inspection

Home Occupation operators shall permit a reasonable inspection of the premises by the City Manager to determine compliance with this Section.

Sec. 8.12. Manufactured Housing Park Standards

1. Land Area

The minimum land area required for a manufactured housing park is three acres.

2. Density Limitations

Any lot or tract of land occupied by a manufacture housing park shall have a maximum density of 8 dwelling units per gross acre.

3. Separation Requirements

- a. Manufactured housing units and all roof-covered structures shall meet the following separation requirements.
- b. A maximum 2-foot eave overhang shall be permitted within the separation areas as required below.

	Required Separation		
	Any Other Dwelling in Park	Curb or Edge of Pavement on Driveway Providing Common Access	Park Boundary
Manufactured Housing Unit / All Roof-Covered Accessory Structures	10 feet	10 feet	20 feet
Management, Maintenance or Recreational Buildings Serving Entire Park	15 feet	10 feet	20 feet

4. Required Parking

A minimum of two off-street parking spaces shall be provided for each dwelling within a manufactured housing park.

5. Skirting

Each manufactured housing unit shall be skirted with a material or product specifically designed for the skirting of manufactured homes. Required skirting shall be maintained so as not to provide a harborage for animals or create a fire hazard.

6. Mobile Homes, Travel Trailers and Recreational Vehicles (RV's)

- a. Following the effective date of this ordinance, mobile homes may not be placed in any manufactured housing park.
- b. Travel trailers, motorized recreational vehicles and other such relocatable housing that does not meet the definition of either a "mobile home" or a "HUD-Code Manufactured Home" shall be permitted within any manufactured housing park, subject to the requirements of this Section, provided these types of accommodation do not exceed 30 percent of the total units in the park.

7. State Standards

All manufactured housing units shall conform to the State of Texas Standards for manufactured housing anchorage, tie downs and blocking.

8. Fire Protection

Every dwelling within a manufactured housing park shall be located no further than 500 feet from a fire hydrant.

9. Site Plan

Prior to the development of any new manufactured housing park established after the effective date of this Zoning Ordinance, and prior to the enlargement of any existing manufactured housing park, a site plan conforming to the requirements of this subsection shall be approved by the City Manager. The required site plan shall be drawn to scale and shall explicitly illustrate at least the following features.

1. Location and dimensions of all park boundaries.
2. Location of pavement on adjoining street rights-of-way.
3. Location and dimensions of any permanent improvements existing or planned within the park, including but not limited to the following:
 - i. Improved surfaces for common driveways, off-street parking and recreation areas.
 - ii. Buildings for management, maintenance and recreational purposes.
 - iii. Any other recreational facilities.
 - iv. Any fences or walls.
 - v. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Sec. 8.13. Manufacturing and Production

The following general performance standards shall be applicable to activity allowed (by right or by conditional approval) in Light Manufacturing Districts:

- a. No vibration shall be produced which is transmitted through the ground (and is discernible without the aid of instruments) at or at any point beyond the lot line.
- b. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.
- c. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.
- d. No person shall cause or permit any materials to be handled, transported or stored in such a manner which allows or may allow particulate matter to become airborne.

- e. There shall be no emission or transmission of heat or heated air so as to be discernible from the lot line.
- f. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.

Sec. 8.14. Sign Regulation

No sign shall be erected or altered at any location within the residential districts of the City, except in accordance with the following:

(a) Real Estate Sales Signs:

One temporary sign announcing the offering for sale rental of individually platted residential property on which it is placed may be placed in any yard. Such sign shall not exceed eight (8) square feet in area; it shall be removed within one week following the close of sale or lease.

(b) Political Signs.

Political signs in residential districts may not:

- i. have more than 36 feet in effective area;
- ii. be more than eight feet in height;
- iii. be illuminated;
- iv. have any moving elements.

(c) Garage Sale Signs:

One unlighted sign (the "sign") not exceeding twelve (12) square feet in area shall be permitted. The sign shall pertain only to the Garage Sale, shall be located in the property, and shall only be permitted during the three (3) day period of the sale.

(d) Charity and Civic Event Signs:

Temporary, signs announcing special events, bazaars, rallies and similar activities of charity, religious, civic and philanthropic associations shall be allowed in any district and may be placed in any yard. Such signs may be posted for a period of twelve (12) days prior to the first day of the event, and shall be removed within twenty four (24) hours following the last day of the event, but no such sign shall be allowed to remain for a period in excess of thirty (30) days.

Sec. 8.14.02. Traffic Control Conflicts

No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain whereby such sign creates confusion, impairs hearing or vision, or otherwise distracts the automotive driver using any public street. Specifically prohibited are:

- (i) High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable at the normal viewing range by a driver on the public street;
- (ii) Signs duplicating colors, characteristics or symbols of traffic signs or signals, or signs which cause confusion in reading such traffic signs or signal at normal viewing range;
- (iii) Signs or equipment which produce noises simulating sirens, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling with the public streets; and
- (iv) This section does not apply to public service signs or message center signs, such as time and temperature displays.

Sec. 8.14.03. Residential Area Nuisance

No sign or lighting permitted under these regulations shall be authorized whereby such sign or lighting by reason of placement, lack of shielding, noise generation or character of operation would be adverse to the normal sensibilities of a person residing on adjacent property or would interfere with the reasonable use, enjoyment or right of privacy on his property. Specifically:

- (i) The source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
- (ii) The noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including air conditioning and kitchen refrigerators.

Sec. 8.14.04. Signs In or Over Right-of-Way Prohibited

No sign, whether requiring a permit or not, shall be located within or project over any public right-of-way. This provision shall not be applicable to official traffic control signs, or entrance and exit signs less than 30 inches above grade placed with permission of the City.

Sec. 8.14.05. Maintenance

All signs for which a permit is required, together with all supports, braces, guys and anchors shall be kept in repair. The City Manager may order the removal of any sign that is not maintained in accordance with this section. Such removal shall be accomplished at the expense of the owner or

person in charge of the premises. Failure to comply with such order shall constitute a misdemeanor.

Sec. 8.15. Recovery Facility, Alcohol and Drug

Drug and alcohol recovery facilities shall be subject to the following standards.

- i. The facility shall meet all building, housing, and fire codes of the City.
- ii. The facility shall have adequate off-street parking space for every vehicle possessed or utilized by occupants of the building. Such parking spaces must meet all applicable standards of the City.
- iii. The facility shall be compatible with the neighbourhood and shall not create undue density and congestion.
- iv. The boundary line of any lot or tract of land occupied by such facilities shall be located no less than 300 feet (measured in a straight line between nearest boundaries) from each of the following:
 - i. Any lot or tract of land occupied by a public or private school offering a curriculum equivalent to an elementary or secondary school;
 - ii. Any lot or tract of land located within an SF or, MF District.
- v. Appropriate licenses and/or certifications from any federal or state agency shall be acquired and kept current.
- vi. Professional staff must be on the premises at all times. Professional staff shall be defined as an individual with experience, training or knowledge in the appropriate rehabilitative field.
- vii. No residential treatment shall be provided to any persons on parole from federal, state or county jails or prisons.
- viii. If deemed necessary by the Chief of Police, additional security lighting shall be provided.

Sec. 8.16. Restaurants, Bars and Taverns with Outdoor Seating

Outdoor seating areas shall be allowed in conjunction with existing or proposed restaurants, bars and taverns, subject to the following standards.

- a. All lights must be arranged and controlled so as to deflect glare or any uncomfortably bright, harsh light away from any nearby residential use.

- b. Outdoor seating areas may not generate noise in excess of 45 dB(A) between the hours of 10:00 p.m. and 6:00 a.m. or in excess of 55 dB(A) at all other times, as measured at the lot line of any residential use.
- c. All outdoor seating areas shall be included in the calculation of off-street parking requirements in Article 5. The addition of outdoor seating without the requisite minimum number of off-street parking spaces shall be considered a violation of this Zoning Ordinance.

Sec. 8.17. Self-Service Storage

Self-service storage facilities when allowed shall be subject to the following standards.

- a. The facility shall be situated in a manner that avoids having substantial activity unreasonably close to any SF-1, SF-2, TF, MF, MH-1 or MH-2 zoning districts.
- b. The use of the facility and its individual storage units shall be limited to storage purposes only.
- c. No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district.
- d. Electrical service to any individual storage unit shall be limited to a single circuit providing a maximum force of 30 amperes, with no more than one duplex outlet providing single-phase electrical service of no more than 110 volts.

Sec. 818. Reserved for Expansion

Sec. 8.19. Telecommunication Facilities

1. Principal Use

Telecommunication transmission towers and other telecommunication facilities shall always be considered a principal use. They may be located on lots or on buildings occupied by another principal use.

2. Applicability

This Section shall only apply to those telecommunications towers and related facilities that exceed 35 feet in height, including the height of other structures or buildings on which the telecommunication facilities are located.

3. Setbacks

The following standards shall apply to **all** telecommunications facilities:

- a. The minimum setback between telecommunication facilities and all boundaries of the lot on which those facilities are located shall be equal to 20 percent of the height of the tower.

- b. Telecommunication facilities shall be set back a minimum of 50 feet from any existing right-of-way for any street.
- c. Peripheral supports and guy anchors for telecommunication towers may be located within required setbacks for the tower, provided that they shall be located entirely within the boundaries of the lot on which the tower is located and shall be located no closer than 5 feet from the boundary of the lot on which the tower is located, and no closer than 10 feet from the boundary of an adjoining lot in a residential district.

4. Separation from Residential Districts

All telecommunications facilities that exceed a height of 35 feet (including the height of the building on which they may be located) shall be set back at least 50 feet from the boundary of any lot or tract in a residential zoning district.

5. Heights

The principal support structure for telecommunication facilities shall be allowed to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this Section shall apply.

6. Security Fences and Walls

Unless the telecommunication tower is located on top of a building, a fence or wall not less than 7 feet in height from finished grade shall be constructed around each telecommunication tower. The fence or wall shall comply with the following standards.

- a. Access to the tower shall be through a locked gate in the required fence or wall.
- b. If high voltage is necessary for the operation of the telecommunication tower and such high voltages are present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE-DANGER."

7. Removal of Obsolete Towers

All obsolete or unused telecommunication towers shall be removed within 12 months of cessation of use.

8. Electromagnetic Radiation

Telecommunication towers shall comply with all applicable Federal Communications Commission (FCC) standards for non-ionizing electromagnetic radiation.

Sec. 8.20. Temporary Uses

1. Construction-Related Offices

- a. Parking of a trailer housing construction-related offices shall be allowed on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract, where related construction is occurring.
- b. Parking of a trailer housing construction-related offices shall not require a building permit or other approval from the City, provided that the following standards are met.
 - i. Extension of temporary electric or plumbing service is made in accordance with all applicable codes, including required permits therefore.
 - ii. Use of any such trailer shall be limited to administrative offices for ongoing construction activity on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract where construction activity is ongoing. The trailer shall not be used for dwelling purposes, even on a temporary basis.
 - iii. Any such trailer shall be removed within 60 days following completion of the project to which the offices are considered accessory.

2. Construction-Related Storage

- a. Parking of trailers, semi-trailers and shipping containers shall be allowed on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract, where related construction is occurring. Such parking shall not require a building permit or other approval by the City, provided that the following standards are met.
 - i. Use of such trailer or container shall be limited to storage of material and equipment used in conjunction with adjacent construction.
 - ii. Any such trailer or container shall be removed within 60 days following completion of the project.
- b. Yards for storage and marshalling of construction material and equipment shall be allowed on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract, where related construction activity is occurring. All such material or equipment shall be for use in conjunction with the associated construction project. All such material and equipment shall be removed within 60 days following completion of the project.

3. Real Estate Sales Offices in Residential Districts

- a. A real estate sales office may be operated from a model home or other building located within a recorded subdivision, provided that the use is limited to sale of lots or new

homes within that same subdivision. The temporary use approval shall expire at such time as 95 percent of the lots within the subdivision have been sold.

- b. No HUD-Code manufactured home or other portable building not constructed in conformance with the City's building code requirements shall be allowed as a temporary office for the sale of real estate.

Sec. 8.21. Vehicle Services in Commercial Zones

In Commercial Districts the Vehicle Service use shall be limited to the following.

1. Fluid changes.
2. Lubrication.
3. Sales and replacement of minor parts such as batteries, belts, bulbs, lamps, fuses and wipers.
4. Battery recharging.
5. State-mandated inspections.
6. Tire sales, installation and repair.
7. Brake repair and replacement.
8. Replacement of shocks and struts.
9. Sales and installation of custom auto parts and accessories that are not intended to enhance the performance of the engine, and that do not alter the original or "stock" components of automotive electric, transmission, suspension or exhaust systems.

Sec. 8.22. Waste-Related Uses

Where allowed only as a conditional use, waste-related uses shall be subject to approval by the Planning Commission and shall furthermore be subject to the following conditions:

1. Use of the facility shall be limited to collection (from household and business consumers) of small items such as cans, glass, plastic and paper, for temporary storage and subsequent transport to another facility for processing.
2. No mechanical means of collection or processing shall be allowed, including but not limited to the crushing of cans.

ARTICLE 9
GENERAL DEVELOPMENT STANDARDS

Sec. 9.01. Residential District Standards

Except as specifically provided elsewhere in this Zoning Ordinance, dwelling height and building density shall be not more than, and yards and lot size shall not be less than are specified in the Table below for the type of use in the district in which such use is located.

1. Residential District Regulations

Development in residential districts shall conform to the following regulations.

Development Standard							
	SF-E	SF-1	SF-2	TF	MF	MH-1	MH-2
Minimum Lot Area (sq. ft.)							
[1]	1 acre	7,500	6,600		9,000	-	-
Single-Family Unit	-		-	-			-
Two-Family Unit (Duplex)	-	-		7,500			-
Gardenhome Unit	-	-	5,500				
Multifamily Project	-	-	-		7,000		
Manufactured Home		-				5,000	8 per acre
Minimum Lot Dimensions (feet in width x feet in depth)							
Single-Family Unit		75x100	60x110				
Two-Family Unit (Duplex)				75x100			
Gardenhome Unit			55x100				
Multifamily Project					90x100		
Manufactured Home						50x100	Sec 8.12
Minimum Front Yard (feet)							
Garden Homes Note [2]	40	20	20	20	15	15	Sec 8.12
						See Note [2]	
Minimum Side Yard (feet)							
One side yard (minimum)	5	5	5		10	5	Sec 8.12
The other side yard (minimum)	5	5	5		10	5	
Corner lot – Side yard adjacent to side street [See Note 5]	10	15	10		10	10	
Minimum Rear Yard (feet)							
Garden Homes Note [4]	20	20	20		10	10	Sec 8.12
Maximum Floor Area Ratio							
	.60	.20	.40		.60	.60	Sec 8.12
Maximum Height							
In feet	40	35	35		35	35	
In stories	3	2.5	2.5		2.5	2.5	

NOTES:

[1] Additional lot area may be required in circumstances where disposal of septic wastewater will be discharged through on-site waste treatment facilities (including septic systems) in order to meet the requirements of the City's Code of Ordinances or state regulations.

[2] Single-family and two-family units require a minimum 20-foot front yard; multifamily residential structures require a minimum 20-foot front yard; zero lot line and gardenhome units require a minimum 15-foot front yard, except on arterial streets, where the minimum front yard shall be 20 feet.

[3] Single-family and two-family units generally require a minimum 5-foot side yard on both sides; multifamily dwelling units or group homes require a minimum 10-foot side yard on both sides;

[4] Single-family units and two-family units require a minimum 20-foot rear yard; zero **lot line** gardenhome units require a minimum 15-foot rear yard. Multifamily residential structures require a minimum 20-foot rear yard.

[5] In all residential zones, on corner lots the minimum side yard adjacent to the street shall be ten (10) feet. Provided further, that in no case, shall a garage fronting onto a street be within twenty (20) feet of the front of the curb.

2. Additional Standards for Zero Lot Line Dwellings

- a. Development of a zero lot line dwelling shall occur only in the SF-2 District on a lot that has been specifically platted in accordance with the provisions of the Coleman Subdivision Ordinance to accommodate such a use.
- b. Zero Lot Line or Gardenhomes are intended to provide opportunities for medium density residential development using the gardenhome, and zero lot line concepts to incorporate (1) more efficient use of land than typical single-family development, making needed housing more affordable; (2) design of dwellings that integrate and relate internal/external living areas resulting in more pleasant and enjoyable housing; and (3) placement of dwellings against the property line, permitting outdoor space to be grouped and utilized to its maximum benefit. Regardless of any provisions in this ordinance to the contrary, gardenhomes shall comply with the following:
 - a. Zero lot lines are those lines situated so that one side wall or roof line of a structure can be located on the side lot boundary without any set back required.
 - b. Only one Zero Lot Line will be allowed per lot.
 - c. Minimum lot size for Gardenhomes in the SF-2 District shall be 5,500 square feet.

- d. The minimum front yard shall be fifteen feet with the front of the garage being set back twenty (20) feet.
- e. The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) for any two story structure.
- f. There shall be at least ten (10) feet of separation between structures. Five (5) feet of the lot adjacent to the zero set back will be deducted as an access easement for construction and repair of the adjacent zero set back structure. The roof line of any structure will be allowed to overhang the access easement of the adjacent property.
- g. The combined lot coverage of all structures shall not exceed sixty-five percent of the lot area. Trellises and open porches shall not be included in the combined area.
- h. No structure shall exceed two stories or thirty-five (35) feet in height.
- i. No doors or windows shall be located on any wall located on a Zero Lot Line, except that windows shall be allowed on a Zero Lot Line adjacent to a street.

3. Yard Requirements along District Boundaries

Whenever a block face is intersected by a district boundary, all lots fronting on that block face shall conform with the minimum front yard requirements of the most restrictive district found on that block face.

4. Yard Requirements for Accessory Structures

See Sec. 8.01: Accessory Uses and Structures

5. Yard Determination by City Manager

Where a lot does not conform to typical lot and block configuration, the City Manager shall determine which lot lines shall be considered front, side and rear lot lines. In making this determination, the City Manager shall take into consideration the pattern of adjacent lots, as well as the frontage of lots across an intervening street. Building orientation or address shall not determine yard requirements.

6. Additional Standards for Front and Side Yards

- a. Where on the effective date of this ordinance 35% or more of a block face between intersecting streets is developed with buildings which have observed, with a variation of five feet or less, a front yard greater or lesser than required by this Section, new buildings shall not be erected closer to the street right-of-way than the building line so established by those existing buildings. This regulation shall not be interpreted as requiring a minimum front yard of more than 50 feet.

- b. For all uses in residential districts and for residential uses in any district, on a corner lot where another lot abutting the rear of that corner fronts onto a side street, there shall be a front yard required on all street side boundaries of that corner lot. The minimum front yard required along street side boundaries (of such corner lots) shall be equal to that minimally required on the interior lot which immediately adjoins each respective required front yard on the corner lot. For the purpose of this subsection, any separation by an alley, utility-owned right-of-way, watercourse or other drainage feature with a minimum width of 10 feet shall cause nearby lots to not be abutting.

Sec. 9.02. Nonresidential District Standards

1. Residential Uses in Nonresidential Districts

Within any nonresidential district, allowed residential uses shall conform with the residential bulk regulations regarding maximum floor area ratio, required yards and height that are most closely associated with the proposed type of residential use.

2. Nonresidential District Bulk Regulations

Except as specifically set forth elsewhere in this Zoning Ordinance, any nonresidential use in a nonresidential district shall conform to the following standards:

Standard	C-1	C-2	C-3	M1	M2
Maximum Height (ft)	35	-	-	-	-
Minimum Lot Area (sq.ft)	6,000	6,000	6,000	6,000	6,000
Minimum Lot Width (ft)	50	50	50	50	50
Minimum Lot Depth (ft)	80	80	80	80	80
Minimum Front Yard (ft)	25	25	25	25	25
Minimum Side/Rear Yard (ft)	10	10	10	10	10

***NOTE:** For the purpose of this Section, separation by an alley, utility-owned right-of-way, watercourse or other drainage feature with a minimum width of 10 feet shall not be considered abutting.

3. Determination of Yard Requirements

Where a lot does not conform to the typical lot and block configuration, the City Manager shall determine which lot lines shall be considered front, side and rear lot lines. In making this determination, the City Manager shall take into account consideration of the pattern of adjacent

lots, as well as frontage of lots across any intervening street. Addresses assigned to existing buildings shall not determine yard requirements.

Sec. 9.03. Multiple Principal Buildings or Uses

1. Residential

Only one principal building for single-family or two-family residential use shall be located upon a lot in a commercial zoning district.

2. Nonresidential

More than one principal nonresidential building may be located on a lot, subject to the following requirements:

- a. The principal buildings shall conform to all of the open space, parking and density requirements applicable to the district where they are located.
- b. The City Manager shall review such projects to ensure an appropriate arrangement of buildings is proposed. Such review shall be subject to appeal to the Zoning Board of Adjustment.

Sec. 9.04. Outdoor Storage and Display in Nonresidential Districts

Outdoor storage and display shall be allowed in any nonresidential district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section. For the purpose of this section, outdoor storage and display shall be broken down into three types, as follows.

1. Type A: Outdoor Display

Type A Outdoor Display shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.

2. Type B: Limited Outdoor Storage

Type B Limited Outdoor Storage shall not exceed 1,000 square feet or 10 percent of the total site area (whichever is greater).

3. Type C: General Outdoor Storage

Type C General Outdoor Storage shall be allowed in unlimited quantity, subject only to the location restrictions below.

4. Exceptions

- a. Vehicles (including boats) shall not be considered merchandise, material or equipment subject to the restrictions of this Section.

- b. Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
- c. Areas enclosed by solid, opaque walls on at least three sides and covered by a solid, opaque roof shall not be considered outdoor.

5. Location of Outdoor Storage and Display

- a. Unless specifically authorized elsewhere in the City's Code of Ordinances, all outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
- b. No outdoor storage or display shall be allowed in required side yards.

6. Allowed Storage Table

The three types of storage shall be allowed in the districts designated in the Table below.

Use	C-1	C-2	M1	M2
Type A: Outdoor Display	√	√	√	√
Type B: Limited Outdoor Storage		√	√	√
Type C: General Outdoor Storage			√	√

Sec. 9.05. Planned Development District Standards

1. General Guidelines

- a. If a Planned Development District ordinance does not establish specific guidelines for land uses, landscaping, facade treatment, screening, setbacks, signage, parking, etc., then the minimum standards of the most similar district shall apply, based on an interpretation by the City Manager. See the Table below.

Use	Standard
Single-Family Residential	Meet requirements of the single-family residential district that is closest in character to the proposed Planned Development
Multifamily Residential	Meet requirements of the multifamily residential district that is closest in character to the proposed Planned Development
Office	Meet C1, Office Commercial District requirements
C-1 Neighborhood Commercial	Meet C1, Neighborhood Commercial District requirements
C-2 General Commercial	Meet C2, General Commercial District requirements
C-3 Heavy Commercial	Meet C3, Heavy Commercial District requirements
Industrial	Meet ML, Light Manufacturing District requirements

- b. In the case of differences between requirements of a Planned Development District specifically set forth in a particular PD District ordinance and the listed districts in the Table above, the PD District ordinance requirements shall apply.
- c. In cases where the City Manager and applicant cannot reach agreement regarding the site plan's conformance with the concept plan or written standards in a PD District ordinance, then the site plan shall be processed as a major site plan by the Planning Commission according to the procedures contained in Sec. 2.07: Planned Development Review.

2. Development Standards

The following site development standards shall be considered minimum standards unless modified by the approved site plan:

- a. Setback, landscaping, signage, and off-street parking standards which are as restrictive as those established for the particular districts in which the use would ordinarily be allowed.
- b. Utility and street standards as established in the City's Subdivision Ordinance. Street paving widths may be reduced upon approval by City, if other provisions are made for pedestrians, and/or if on-street parking is prohibited.
- c. Drainage standards as required by the Director of Public Works.
- d. All private park areas shall have grounds and equipment maintained in an attractive manner. The dedication of such areas to open space uses and the maintenance costs associated with such areas shall be assured by appropriate covenants and restrictions.

- e. If in the opinion of the Planning Commission, adequate access for safety vehicles, and emergency ingress and egress by other vehicles, is not provided by the proposed public or private street system, additional safety lanes may be required. These safety lanes shall be a minimum of 20 feet in width. The type of surfacing required, if any, will be determined by the Planning Commission. The safety lanes must remain free of any and all obstructions to access by safety vehicles at all times. These safety lanes shall be delineated on the site plan.
- f. Internal circulation, with approval of the Planning Commission, may be on private streets owned and maintained by an association, corporation, or other such legal entity approved by the City. A written agreement between the City and the legal entity shall be provided allowing vehicles and personnel of the City when on official business to use private streets or safety lanes for any purpose, at any time, without liability and further to allow the City to remove at any time any and all obstructions of any type in the safety lanes and assess the cost of removal to the owner or owners of the obstruction.
- g. Where private streets are planned, the Planning Commission may require dedication of right-of-way and/or construction of paving for a public street or streets through or into the planned development, as the Planning Commission deems necessary.
- h. In any planned development in which the provisions of this Zoning Ordinance and the City's subdivision regulations are in conflict, the Planning Commission, with recommendation from the City Manager, shall make the decision as to which shall prevail.

Sec. 9.06. Planned Industrial Park District Standards

1. General Guidelines

- i. A Planned Industrial Park ordinance shall establish specific guidelines for land uses, landscaping, facade treatment, screening, setbacks, signage, parking, etc.
- ii. Required development standards are set forth in the following Table.

Standard	Requirement
Lot Area (minimum)	6,000 square feet
Lot Width (minimum)	60 feet
Lot Depth (minimum)	100 feet
Front Yard (minimum)	25 feet
Side Yard (minimum)	10 feet
Rear Yard (minimum)	10 feet
Floor Area Ratio (maximum)	.80
Height (maximum)	35 feet / 2 stories

- iii. In the case of differences between requirements of a particular Planned Industrial Park ordinance and the standards in the Table above, the Planned Industrial Park ordinance requirements shall apply.

2. Development Standards

The following site development standards shall be considered minimum standards unless modified by the approved site plan:

- i. Setback, landscaping, signage, and off-street parking standards that are as restrictive as those established for the particular districts in which the use would ordinarily be allowed.
- ii. Utility and street standards as established in the City's Subdivision Ordinance. Street paving widths may be reduced, if other provisions are made for pedestrians, and/or if on-street parking is prohibited.
- iii. Drainage standards as required by the Director of Public Works.
- iv. All private park areas shall have grounds and equipment maintained in an attractive manner. The dedication of such areas to open space uses and the maintenance costs associated with such areas shall be assured by appropriate covenants and restrictions.
- v. If in the opinion of the Planning Commission, adequate access for safety vehicles, and emergency ingress and egress by other vehicles, is not provided by the proposed public or private street system, additional safety lanes may be required. These safety lanes shall be a minimum of 20 feet in width. The type of surfacing required, if any, will be determined by the Planning Commission. The safety lanes must remain free of any and all obstructions to access by safety vehicles at all times. These safety lanes shall be delineated on the site plan.

- vi. Internal circulation, with approval of the Planning Commission, may be on private streets owned and maintained by an association, corporation, or other such legal entity approved by the City. A written agreement between the City and the legal entity shall be provided allowing vehicles and personnel of the City when on official business to use private streets or safety lanes for any purpose, at any time, without liability and further to allow the City to remove at any time any and all obstructions of any type in the safety lanes and assess the cost of removal to the owner or owners of the obstruction.
- vii. Where private streets are planned, the Planning Commission may require dedication of right-of-way and/or construction of paving for a public street or streets through or into the planned development, as the Planning Commission deems necessary.
- viii. In any planned industrial park in which the provisions of this Zoning Ordinance and the City's subdivision regulations are in conflict, the Planning Commission, with recommendation from the City Manager, shall make the decision as to which shall prevail.

Sec. 9.07. Height

1. Structures Allowed Above Height Limits

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smokestacks, radio and television antennas, water tanks, silos, or similar structure may be erected above the height limits in Sec. 9.01 and 9.02, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

Sec. 9.08. Buffers for Industrial Uses

No uses allowed exclusively in the M1 or M2 districts shall be allowed within 100 feet of any adjoining residential district.

Sec. 9.09. Fences

1. Required Privacy Fences

- a. A privacy fence shall be required where the side or rear lot line of a non-residential use is adjacent to either of the following.
 - i. A residential district boundary other than the A District.
 - ii. An existing residential use.
 - iii. School or day care facility.
- b. This requirement shall not apply when an equivalent fence already exists.

- c. Properties immediately across a body of water, transportation, drainage or utility right-of-way, street or alley shall be considered adjacent if the intervening body of water, transportation, drainage or utility right-of-way, street or alley, is less than 80 feet wide.

2. Height Standards for Required Privacy Fences

- a. All privacy fences shall meet the visual clearance requirements of Sec. 9.10 below.
- b. Maximum Fence Height in Residential Districts.
 - i. No portion of any fence or enclosure in any residential district shall exceed a height of 8 feet.
- c. Maximum Height in Required Front Yards.
 - i. Any fence or enclosure extending into a required front yard shall not exceed a height of four feet.
 - ii. Fences on land located in the M1 and M2 Districts shall be exempt from this requirement.
 - iii. In the A District, a substantially open fence with a ratio of solid portion to open portion equal to or less than 1 (solid) to 4 (open) may be constructed up to a height of 6 feet.
- d. Manner of Construction.

Nothing in this section shall be construed as controlling the materials or manner of construction of fences. Materials and manner of construction shall be regulated by the Building Code adopted by the City or other ordinances which currently exist or which may be adopted in the future.

Sec. 9.10. Visual Clearance on Corner Lots

Except for free standing signs with appropriate visual clearance below the display area, any fence, structure, sign, tree or landscaping on a corner lot and situated within 30 feet of the intersection of the two street property lines shall not exceed a height of three feet, including topography, measured from the top of the street curb or, in the absence of a raised curb, 3½ feet above elevation of the center of the pavement. For this purpose, the restricted area shall be considered as a triangle rather than an area bounded by an arc.

Sec. 9.11. Reserved for Expansion

Sec. 9.12. Reserved for Expansion

Sec. 9.13. Carports in Required Yards

The supporting structure of an open carport shall not be located within required front or side yards, except as set forth in this Section. Carports in required yards may be approved as an administrative adjustment in accordance with the provisions of Sec. 2.02, provided the standards of the following subsections 1, 2 and 3 are met.

1. Location

- a. There is no other practical location on the subject property for a carport that would meet the minimum yard requirements established for the particular zoning district in which the subject lot is located.
- b. In order to allow a carport to encroach within the required front yard, a previously constructed carport located within a required front yard must exist on a lot on the same or opposing block face.
- c. The proposed carport must be compatible with the neighbourhood and will not negatively affect other nearby properties.

2. Construction

Construction of a carport in a required yard shall conform to all of the following criteria:

- a. The front face of the roof shall be set back at least 10 feet from the front property line, and shall be separated by at least 15 feet from the back of the street curb (or edge of the street pavement if a curb does not exist).
- b. The roof edge and vertical structural supports for any carport shall not be located closer than two feet to the side property line.
- c. A minimum of 7½ feet from the finished floor level of any carport situated within the minimum front or side yard required on the lot shall be open and unencumbered by any walls, screening or glazing on the sides or front of the structure, except as may be necessary for vertical structural supports which shall be no greater than 12 inches in width or diameter, or unless the carport borders the side wall of the house, in which case that one side of the carport may be enclosed by the wall of the house.
- d. No more than 20 percent of the minimum front yard area required on a lot shall be covered by the roof on a carport allowed by this Section.

3. Continuing Compliance

Any carport authorized in accordance with this Section to extend into minimum required front or side yards shall be subject to continuing compliance with the following requirements.

- a. The minimum clearance required on the sides of any such carport (along that portion which extends into required yards) shall continually remain open and unencumbered by any walls, screening or glazing.
- b. The area underneath any such carport shall continually remain clear of any junk, household trash, yard trash, debris or any and all other objectionable unsightly matter, as generally required by the ordinances of the City of Coleman.

4. Existing Carports

Existing carports which encroach into minimum front or side yards required by this Zoning Ordinance shall be exempted from the requirements of this Zoning Ordinance intended to prevent the installation of carports within minimum front or side yards, subject to each such carport's compliance with all the following conditions.

- a. The carport was legally constructed at that location prior to July 1, 2005.
- b. The carport does not encroach into the public right of way, into an easement specifically designated to be open or unencumbered by buildings, or onto an adjacent lot.
- c. The carport is set back a minimum of 5 feet from the back of a curb bordering pavement in an adjoining street right of way or, if a curb does not exist, from the edge of pavement in that adjoining street right of way.
- d. The carport is structurally sound, in the opinion of the Building Official.
- e. The carport is substantially open and unencumbered by side walls, screening or glazing in any of the minimum front or side yards required by this Zoning Ordinance.
- f. The area underneath any such carport is and remains continually clear of any junk, household trash, yard trash, debris or any and all other objectionable matter.
- g. The carport is accessory to a principal building located on the same lot as that carport, regardless of whether that carport is attached to or detached from the principal building.

5. Carports Considered Legally Nonconforming

- a. Existing carports which encroach into minimum required front or side yards and which were installed before enactment of minimum yard requirements shall be considered legally nonconforming.
- b. Any existing carports which encroach into minimum front or side yards required by this Zoning Ordinance and which were authorized in accordance with a variance or special exception duly approved by the Zoning Board of Adjustment shall also be considered legally nonconforming.

- c. In no case shall this Section be construed to legitimize any carport encroaching into a public right-of-way, into an easement specifically designated to be open or unencumbered by buildings, or onto an adjacent lot.

ARTICLE 10 NONCONFORMITIES

Sec.10.01. Continuance of Nonconformities

Nonconformities shall be allowed to continue in accordance with the regulations of this Article. If a use lawfully occupying land or buildings immediately before the effective date of this Zoning Ordinance is classified by the Use Table as a conditional use in the zoning district where that use is located, such use shall not be considered a nonconforming use. The existing use shall be considered a lawful conditional use, the same as if the Planning Commission had expressly approved the location of that use on the lot where existing at the effective date of this Zoning Ordinance.

Sec. 10.02. Expansion

1. Nonconforming Use

No nonconforming use may be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on the effective date of this Zoning Ordinance, except upon authorization by the Planning Commission and in conformance with the procedures set forth in this ordinance. Establishment or extension of a lawful use in a nonconforming structure shall not be deemed the extension of a nonconforming use.

2. Nonconforming Structure

No nonconforming structure may be enlarged, expanded or extended in such a manner that it shall be made more nonconforming (for example, by increasing the encroachment of a building into a required yard or by increasing the height of a structure above that allowed for the affected district). A nonconforming structure may be enlarged, expanded or extended so long as the nonconforming feature is not enlarged, expanded or extended, thereby making the structure more nonconforming.

3. Sec. 10.03. Change in Use

A nonconforming use may be changed to another use as follows.

- a. A nonconforming use may be changed to a conforming use.
- b. A nonconforming use may be changed to another nonconforming use, provided the new use is of the same general character or less intensive in character (and thus more closely conforming). The determination of whether a proposed use is less intensive shall be made by the City Manager in accordance with the provisions for written interpretations. A nonconforming use, if changed to a less intensive nonconforming use, may not thereafter be changed back to a less conforming or more intensive use.

Sec.10.04. Abandonment

If a nonconforming use or structure is not operated during a continuous period of 6 months, said nonconforming use or structure shall be considered abandoned, and the structure or tract of land where the nonconforming use previously existed shall thereafter be occupied and used only in conformity with this Zoning Ordinance.

Sec. 10.05. Damage and Destruction of Nonconformity

1. Total Destruction or Obsolescence

A nonconforming use or structure shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause.

2. Partial Destruction

- a. In the case of a nonconforming use or structure partially destroyed by any cause, the Building Official shall be authorized to issue permits for complete reconstruction, so long as the Building Official determines that the cost of such reconstruction does not exceed 50 percent of the current replacement value for the entire structure.
- b. In the case of a nonconforming use or structure partially destroyed by any cause, where the costs of proposed reconstruction are determined by the Building Official to exceed 50 percent of the current replacement value for the entire structure, the Building Official shall be authorized to issue permits for reconstruction only when specifically authorized by the Planning Commission. Such rebuilding or restoration shall comply with the provisions of this Zoning Ordinance to the extent deemed reasonably practical, and the applicant shall make every reasonable effort to eliminate the nonconformities and bring the structure and site into substantial conformance with this Zoning Ordinance.

Sec. 10.06. Maintenance and Repairs to Nonconforming Uses

1. Normal Maintenance

Normal maintenance of a building or a structure containing a nonconforming use is allowed, including necessary nonstructural repairs and incidental alterations not extending the nonconforming use.

2. Structural Changes

No structural alteration shall be made in a building or other structure containing a nonconforming use except when required by law.

Sec. 10.07. Termination of Nonconforming Uses

- a. When in its judgment, the public convenience, health, safety and welfare will be substantially served, the City Council may, after receiving a recommendation from the Planning Commission and after public notice and public hearing, take action relative

to the discontinuance of a nonconforming use. Required public notice shall be by mail and by newspaper publication, in accordance with the standards of Sec. 2.01.

- b. The City Council may require the discontinuance of a nonconforming use or structure under any plan whereby full value of the property can be amortized within a definite period of time, taking into consideration the general character of the neighbourhood and the necessity for all property to conform with the regulations of this Zoning Ordinance.
- c. In addition, the City Council may require the removal of any structure or improvements located on property where discontinuance of a nonconforming use has been ordered if such improvements cannot, in the Council's opinion, be converted to a lawful use.

Sec. 10.08. Authorizing Expansion of a Nonconforming Use

1. Purpose and Applicability

Some uses of land will not conform to regulations of the zoning district in which they are located, even though such uses lawfully occupy that land before the effective date of this Zoning Ordinance. Such nonconforming uses require approval by the Planning Commission in order to be enlarged, expanded or extended to occupy more land or floor areas than prior to the effective date of this Zoning Ordinance.

2. Submission of Application

A complete application for expansion of a nonconforming use shall be submitted to the City Manager on a form prescribed by the Manager along with the appropriate application fee. Any such application shall include plans or drawings sufficient in clarity and detail to describe existing use of the subject property as well as any proposed expansion.

3. Hearing and Action by Planning Commission

The Planning Commission shall hold a public hearing on an application for enlargement of a nonconforming use. At the public hearing, the Planning Commission shall consider the application, any pertinent comments by the City staff, any relevant support materials and the public testimony given at the public hearing in light of the criteria below. After the close of the public hearing, the Planning Commission shall vote to approve, approve with conditions, or deny the application for enlargement of a nonconforming use, pursuant to the criteria below.

4. Approval Criteria

Approval by the Planning Commission of any proposed enlargement of a nonconforming use shall be based upon the following criteria.

- a. **Impacts Minimized.** Whether and the extent to which the proposed expansion of a nonconforming use creates adverse effects, including adverse visual impacts, on adjacent properties.

- b. **Compatible with Surrounding Area.** Whether and the extent to which the proposed expansion of a nonconforming use is compatible with existing and anticipated uses surrounding the subject property.
- c. **Effect on Natural Environment.** Whether and the extent to which the proposed expansion of a nonconforming use would result in significant adverse impacts on the natural environment, including but not limited to adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- d. **Community Need.** Whether and the extent to which the proposed expansion of a nonconforming use addresses a demonstrated community need.
- e. **Development Patterns.** Whether and the extent to which the proposed expansion of a nonconforming use would result in a logical and orderly pattern of urban development in the community.

5. Conditions

The Planning Commission may impose such conditions on an expansion of a nonconforming use as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts on the public and on neighborhoods, and to ensure compatibility of the site with its surroundings. These conditions may include, but are not limited to, limitations on size, bulk and location; requirements for landscaping, buffering and screening, lighting, and adequate ingress and egress; cash deposits, bonds or other guarantees of performance; other on-site improvements; and limitations on the duration or hours of operation of an expanded use.

6. Expiration of Approval

A building permit for any approved expansion of a nonconforming use must be acquired and construction must be substantially complete within 12 months from the date on which the expansion was approved. The City Manager may grant a longer period of time when provided with significant evidence that the approved expansion cannot realistically be constructed during the first 12 months, but in no event shall such extension period exceed an additional 12 months.

7. Appeal

1. Appeal of the Planning Commission's decision on expansion of a nonconforming use shall be made to the City Council within 30 days of the final action by the Planning Commission. The appeal shall be submitted in writing to the City Manager and processed in accordance with Sec. 2.10, Appeals.
2. In considering such an appeal, the City Council shall review the decision in light of the Comprehensive Plan, this Zoning Ordinance, the Official Zoning Map, and any other land use policies adopted by the Planning Commission or City Council, whichever are applicable. The City Council shall modify or reject the decision of the Planning Commission only if it is not supported by substantial competent evidence or if the

Planning Commission's decision is contrary to the Comprehensive Plan, this Zoning Ordinance, or the Official Zoning Map.

ARTICLE 11
VIOLATIONS AND ENFORCEMENT

Sec. 11.01. Enforcement

1. General

The provisions of this Zoning Ordinance shall be administered and enforced by the City Manager of the City of Coleman or a duly authorized designee.

2. Right to Enter

The City Manager or any duly authorized person shall in accordance with Section 18.05 of the Texas Code of Criminal Procedure have the right to enter upon any premises at any reasonable time prior to the completion of buildings for the purpose of making inspections of buildings or premises when necessary to enforce this Zoning Ordinance.

3. Stop Orders

Whenever any building work is being done contrary to the provisions of this Zoning Ordinance, the City Manager may direct the Building Official to order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the Building Official to proceed with the work.

Sec. 11.02. Inspection

The City Manager, or his duly designated representative, is hereby empowered to cause any building, other structure, or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein, or thereat, in violation of any provision of these regulations. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or to comply with an order of the City Manager.

Sec. 11.03. Violations

1. Any person who shall violate any of the provisions of this Zoning Ordinance or who shall fail to comply with any of the provisions of this Zoning Ordinance, or who shall build, alter or occupy any building in violation of any statement or plan submitted and approved hereunder, shall be guilty of a violation of this ordinance and may be fined in an amount of not less than \$1.00 or more than \$2,000.00. Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.
2. The owners or tenants of any building or property or part thereof where anything in violation of this Zoning Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, firm or corporation employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate

offense, and upon conviction thereof, shall be fined in accordance with- the general penalty provisions in Section 11.03(1).

3. In addition to prosecution in Municipal Court, the City of Coleman may use all remedies available to it for the enforcement of this Zoning Ordinance, including but not limited to summary abatement, civil suits for penalties, and injunctions.
4. In addition to the remedies provided for above, the enforcing officer may, in case any building or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct of business or use in or about such premises.

ARTICLE 12 DEFINITIONS

Sec. 12.01. Rules of Construction

1. Meanings and Intent

All provisions, terms, phrases and expressions contained in this Zoning Ordinance shall be construed in accordance with the Ordinance's stated purposes.

2. Text

In case of any difference of meaning or implication between the text of this Zoning Ordinance and any drawing, figure or illustration, the text shall control.

3. Computation of Time

The time period within which an act is to be carried out shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded. Time-related words shall have the meanings ascribed below:

- a. "Day" means a calendar day unless working day is specified;
- b. "Week" means 7 calendar days;
- c. "Month" means a calendar month; and
- d. "Year" means a calendar year, unless a fiscal year is indicated.

4. Delegation of Authority

Whenever a provision appears requiring a department head or some other officer or employee to perform an act or duty, it shall be construed as authorizing that department head or other officer to delegate responsibility for performing the required act to other city employees, unless the provision specifies otherwise.

5. Technical and Non-Technical Words

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a specific meaning in law shall be construed and understood according to such meaning.

6. Public Officials, Bodies and Agencies

All public officials, bodies and agencies to which reference is made are those of the City of Coleman, Texas, unless otherwise indicated.

7. Mandatory and Discretionary Terms

The word "shall" is always mandatory. The word "may" is permissive.

8. Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

- a. "And" indicates that all items, conditions, provisions or events are connected; and
- b. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

9. Tense, Numbers and Gender

- a. Words used in the past or present tense include the future as well as the past and present tense, unless the context clearly indicates the contrary.
- b. The singular shall include the plural and the plural shall include the singular, as the context suggests.
- c. Words of one gender shall apply to persons regardless of gender.

Sec. 12.02. Measurements

1. Depth

- a. **Lot Depth** -- The average horizontal distance between the front and rear lot lines.
- b. **Rear Yard Depth** -- The average horizontal distance between the rear line of a principal building and the rear lot line.

2. Fence Height

At every point along the run of a fence, the average distance between the top of the fence and the immediately adjacent ground surface on the two sides of the fence.

3. Floor Area

- a. The floor area (or gross floor area) of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two adjacent buildings on separate lots. In particular, the floor area of a building shall include basement space, elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouses, attic space (whether or not a floor has actually been laid) providing structural headroom of 7 feet, 6 inches or more; interior balconies and mezzanines; enclosed porches; and accessory uses.
- b. Floor area for the purpose of computing off-street parking requirements for various retail trade activities shall mean the gross floor area used or intended to be used for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as the storage,

incidental repair, processing or packaging of merchandise, for show windows, or for offices incidental to management or maintenance. Fitting rooms, dressing rooms and alteration rooms shall also be excluded from the definition of floor area for the purpose of computing off-street parking requirements for various retail trade activities.

- c. The floor area ratio of a building is the gross floor area of the building divided by the total area of the lot on which it is constructed or proposed.

4. Height

The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or where no street grade has been established, to the following point:

- a. **Flat Roof** –the highest point of the roofs surface;
- b. **Mansard Roof** - to the deck line; or
- c. **Hip or Gable Roof** - to the mean height between eaves and ridge.

The following structures shall be excluded when measuring the height of a building: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio or television towers, satellite dish antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding . four feet in height.

5. Lot Area

The total horizontal area within the lot lines of a lot.

6. Lot Line

- a. **Front Lot Line** -- For an interior lot or through lot, a front lot line is the street line. On a corner lot, the front lot line shall be any street line on which an immediate adjoining lot has a front boundary. A single lot may be required to have multiple front lot lines, for the purpose of this Zoning Ordinance. For one lot occupying an entire city block, the front lot line shall at a minimum include any boundary of that block which aligns with and/or lies across a street from any boundary of an adjoining block on which there are front lot lines.
- b. **Rear Lot Line** -- Any lot line that is parallel to the front lot line or within 45 degrees of being parallel to the front lot line. A rear lot line shall also include any lot lines on an off-set to a through lot that constitute the rear lot line of an adjacent lot.
- c. **Side Lot Line** -- A side lot line is any lot line which is not a front lot line or a rear lot line.

7. Seats

The seating capacity of a particular building. In the event individual seats are not provided, each 20 inches of benches or similar seating accommodations shall be considered as one seat for the purpose of this Zoning Ordinance.

8. Story

- a. That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
- b. If the finished floor level directly above a basement is more than 6 feet above the level of the immediately adjacent ground surface, such basement shall be considered a story.
- c. A floor level having a height of not more than 7 feet 6 inches covering a floor area of not more than 75 percent of the area of the floor of the story below is considered a half-story.

9. Yards Defined

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Zoning Ordinance shall be included as a part of a yard or other open space similarly required for another building.

- a. **Front yard** - All that space between the street right-of-way line and the front line of the principal building. The minimum required front yard shall be as prescribed for the district, measured from the outside front corners of the building to the property street line, along the building front extended and along the building sides extended.
- b. **Rear Yard** - All that space between the rear line of the principal building and the rear lot line. The minimum required depth of rear yard shall be as prescribed for the district and shall be the distance between the rear line of the principal building and the rear lot lines, measured along the side lines of the building extended.
- c. **Side Yard** - All that space adjoining the sides of the principal building and between the front and rear yards.

10. Yard Exceptions

Every part of any required yard shall be open and unobstructed, except for the following:

- a. Ordinary projection of windowsills, belt courses and other ornamental features projecting a distance not to exceed 12 inches.
- b. Projection of chimneys and flues for a distance not to exceed 3½ feet into required front and rear yards.

- c. Eaves and awnings on main residential buildings which project a distance of no more than two feet into required yards.
- d. Open or lattice-enclosed fire escapes and fireproof outside stairs, as well as balconies opening onto them, which may project into required rear yards a distance not to exceed 3½ feet.
- e. Open carports allowed to extend into required front and side yards as set forth in Sec. 10.13.
- f. Open and unenclosed porches covered by a roof (but being unencumbered by walls, glazing or rigid screening of any kind) may project into required front or rear yards for a distance not to exceed 6 feet, provided that no supporting structure for such extensions shall be located within the required front or rear yard.
- g. Uncovered porches, decks and platforms that do not extend more than three feet above ground level may project into required rear yards and into required side yards, so long as such projections do not extend within less than two feet of any side lot line.
- h. Detached accessory buildings may be built in required side and rear yards in accordance with Sec. 401.
- i. An attached garage shall be considered an integral part of the principal building, and all required minimum yards shall be maintained from the outside corners of said garage. A detached garage or other accessory structure shall meet the requirements for accessory buildings in Sec. 401.

Sec. 12.03. Defined Terms

For the purpose of interpreting and administering the provisions of this Zoning Ordinance, the words defined in this Chapter shall be given the meanings set forth below. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest. In case of dispute over the meaning of a term not defined here or over the application of a definition set forth here, the City Manager shall issue a written interpretation in accordance with Sec. 203.

ABUTTING: See "Adjacent".

ACCESSORY APARTMENT: An apartment containing full facilities (sleeping quarters, kitchen and bath) and on the same lot as an existing single-family residential dwelling unit that shares utilities and is clearly subordinate to the primary dwelling unit.

ACCESSORY STRUCTURE: A structure subordinate to the principal building on a lot, the use of which is customarily incidental to that of the principal building or to the principal use of the land.

ACCESSORY USE: A subordinate use or building customarily incidental to and located on the same lot with the main use or building.

ADJACENT (ADJOINING): Unless otherwise defined elsewhere in the text of this Zoning Ordinance, the terms adjacent and adjoining shall mean lying immediately next to one another, or having a common boundary.

ADULT ENTERTAINMENT ENTERPRISE/SEXUALLY ORIENTED BUSINESS: Any business activity whether in public, semi-public or private premises, which offers the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the unclothed body or the unclothed specified anatomical areas of another person, or to observe, view, or photograph any such activity. Except as specifically provided otherwise herein, this definitions is not intended to include the following.

1. Any business operated by or employing psychologists, physical therapists, athletic trainers, registered massage therapists, cosmetologists, or barbers, licensed by the State of Texas, performing functions authorized under the licenses held.
2. Any business operated by or employing physicians, osteopaths, chiropractors or nurses, licensed by the State of Texas, engaged in practicing the healing arts.
3. Any retail establishment whose major business is the offering of wearing apparel for sale to customer.
4. A person appearing in a state of nudity, at a scheduled class for instruction in drawing, painting, sculpture, or photography operated as follows.
 - a. By a proprietary school, licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation.
 - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
 - c. In a structure with all of the following characteristics.
 - (i) No sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
 - (ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - (iii) Where no more than one nude model is on the premises at any one time.

Adult Entertainment Enterprises furthermore include, but are not limited to, the following:

1. **Adult Bookstore/Film Store.** Any commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following.
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult film store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult film store, so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment, so long as it is a significant use, based upon the visible inventory or commercial activity of the establishment.

2. **Movie Arcade.** Any business wherein is operated a film or videotape viewing device. A film or videotape viewing device or booth subject to these provisions is defined as:
 - a. **Viewing Booths/Arcades.** An establishment or commercial enterprise which has within its structure an electrical or mechanical device which projects or displays any film, videotape or reproduction into a viewing area obscured by a curtain, door, or wall, or other enclosure which is designed for occupancy by no more than 5 persons, and is used for presenting material distinguished or characterized by a predominant emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by 5 or fewer persons.
 - b. **Adult Motion Picture Theater.** An establishment or commercial enterprise which has an enclosed building with a capacity of more than 5 persons and is used for presenting material distinguished or characterized by a predominant emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.
3. **Adult Cabaret.** An establishment that regularly features the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, including but not limited to dancing, posing, modeling, acting, and which is distinguished by or characterized by a predominant emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

4. **Adult Encounter Parlor.** An establishment whose business consists of premises where customers either congregate, associate, or consort with employees who engage in "specified sexual activities" with or in the presence of such customers, or who display "specified anatomical areas" in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.
5. **Adult Lounge.** An "adult cabaret" as defined above which is allowed or licensed pursuant to the Alcoholic Beverage Code, where alcoholic beverages may be served or sold.
6. **Adult Drive-In Theater.** A drive-in theater used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by a predominant emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
7. **Adult Retail Store.** This is a retail establishment in which:
 - a. one of its principal business purposes is the sale or rental of items, products or equipment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas"; or
 - b. any person is excluded by virtue of age from all or part of the premises generally held open to the public, where products or equipment are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

ALLEY: A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

ALTERATION: For the purpose of regulating historic landmarks or any property within a historic district, shall mean any physical change to the exterior appearance of a building or structure, including but not limited to certain miscellaneous modifications not requiring a permit from the Building Official, such as:

1. change of exterior color, by painting or other similar finish work;
2. installation of siding; and
3. window treatment, including but not limited to window replacements and awnings supported by an exterior wall.

ANIMAL FEED LOT: A relatively small, confined land area for fattening hoofed animals or holding them temporarily for shipment.

ANIMAL KENNEL: Any structure or premises where animals ordinarily considered household pets are kept, boarded, bred or trained, for commercial gain.

APARTMENT: A room or suite of rooms in an apartment building used as a separate residence.

BASEMENT: That portion of a building below the ground floor which is located at least partly below grade, but located such that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

BED AND BREAKFAST: Overnight lodging and a morning meal provided in a dwelling unit, to transients_ and for compensation.

BLOCK: An area within the City enclosed by streets and occupied by or intended for buildings.

BLOCK FACE: The distance along one side of a street between the nearest two streets that intersect said street on the same side.

BOARDING HOUSE or ROOMING HOUSE: A dwelling unit or group home where lodging is provided:

1. For compensation;
2. By prearrangement;
3. In rooms without kitchen facilities;
4. For 5 or more roomers or boarders;
5. For periods of one week or longer; and
6. With or without meals.

BREEZEWAY: A passage that is one story in height, covered by a roof, and for which the sole purpose is to provide a covered or walkway connection between a main building and an accessory building. In determining the minimum setback required for buildings, connection by a breezeway shall not make any accessory building an integral part of the principal building on the lot.

BUILDING: Any structure built for the support, shelter and enclosure of persons, animals, goods or movable property of any kind. Any roof-covered structure shall be considered a building.

CAMPGROUND: A lot or tract of land upon which two or more campsites are located, established or maintained for occupancy by camping units or recreational vehicles (of the general public) as temporary living quarters for recreational, education or vacation purposes.

CAMPING UNIT: Any tent, trailer, cabin, lean-to or similar structure established or maintained and operated in a campground as temporary living quarters for recreational, education or vacation purposes.

CARPORT: A roof-covered structure intended for the purpose of storing vehicles and remaining substantially open on at least two of its sides.

CITY MANAGER: The Chief administrative officer of the City of Coleman appointed by the City Council. The term City Manager shall include those persons designated by the City Manager to exercise authority under this ordinance.

CONDITIONAL USE: A use allowed in a specific district, provided that approval is obtained from the Planning Commission and any special conditions are observed.

DISTRICT: A section of the City delineated for administrative purposes, within which regulations apply uniformly, for example, area, height, or use of buildings.

DISABILITY OR DISABLED PERSON: For the purpose of determining who is eligible for residency in a "community home" allowed as household living, a person with a disability means a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

1. an orthopedic, visual, speech or hearing impairment; .
2. alzheimer's disease;
3. pre-senile dementia;
4. cerebral palsy;
5. epilepsy;
6. muscular dystrophy;
7. multiple sclerosis;
8. cancer;
9. heart disease;
10. diabetes;
11. mental retardation;
12. emotional illness.

DWELLING, SINGLE-FAMILY: A detached building having accommodations for and occupied by not more than one family or housekeeping unit, and which occupies a lot or tract of land on which no other dwelling unit (except an accessory apartment where explicitly allowed by this Zoning Ordinance) is situated. Separate guest quarters which do not include facilities for both cooking and sanitation are allowed to occupy a detached accessory structure on the same lot as a single-family dwelling.

DWELLING, TWO-FAMILY: A detached building having separate accommodations for and occupied by not more than two families or housekeeping units, and which occupies a lot or tract of land on which no other dwelling unit (except an accessory apartment where explicitly allowed by this Zoning Ordinance) is situated.

DWELLING, ZERO LOT LINE: A single-family dwelling unit built on or near one side lot line, with open yards required on all remaining sides, and constructed as a detached unit on an individual lot.

DWELLING UNIT: A building or portion thereof designed and used for residential occupancy by a single household and including exclusive sleeping, cooking, and sanitation facilities.

FAMILY: A family is any number of individuals living together as a single housekeeping unit in which not more than four individuals are unrelated by blood, marriage or adoption.

FENCE: An artificial barrier of any material or combination of materials erected to enclose or screen areas of land.

FENCE, PRIVACY: A fence of wood, masonry or metal, permanently constructed of products commercially sold as fence materials and which provides a solid, opaque barrier.

FLOOR AREA or FLOOR AREA RATIO: See Sec. 803, Measurements.

GLARE: Any intense, harsh or uncomfortably bright light.

GROUP HOME: A facility or dwelling unit housing more than four persons unrelated by blood, marriage or adoption, and that operates under a housekeeping management plan based on an intentionally structured relationship providing organization and stability.

HEIGHT: See Sec. 803, Measurements.

HISTORIC DISTRICT: An area encompassed within an H-0 (Historic) Overlay Zone and which contains multiple properties that together constitute a distinct section of the city, that is united historically or aesthetically by plan or physical development.

HORSE BOARDING (PUBLIC STABLE): Any structure or premises where equine animals are housed or boarded for a service charge or for hire.

HORSE RIDING ACADEMY: Any premises where equine animals are boarded and/or where instruction in riding, jumping, or showing is offered, and/or where the general public may, for a fee, hire equine animals for riding.

HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

HOUSEHOLD or HOUSEKEEPING UNIT: Any one of the following.

1. One or more persons related by blood, marriage or adoption, living together in a dwelling unit.
2. A group of not more than four persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit.

3. Two unrelated persons and their children living together in a dwelling unit.

HUD-CODE MANUFACTURED HOME: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, (and when erected on a site, is 320 square feet or more) 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.

LANDMARK: Any individual building, structure, object or site that is significant for historic, architectural or archaeological reasons.

LOT: A developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land. For the purpose of this Zoning Ordinance, a lot may or may not coincide with a lot shown on any recorded plat.

LOT AREA: See Sec. 12.03, Measurements.

LOT TYPES: (See also, Sec. 12.02, Measurements.)

1. **Corner Lot** -- A lot that adjoins the point of intersection of two or more street lines. Any lot adjoining a curved street at a point where the street line describes an arc subtended by an angle of 135 degrees or less shall also be considered a corner lot.
2. **Through Lot** -- A through lot is a lot that has two street lines that are opposite each other, and that are parallel to (or within 45 degrees of being parallel to) each other, and that is not a corner lot.
3. **Interior Lot** -- Any lot that is not a corner lot or a through lot.

LOT LINE: See Sec. 12.02, Measurements.

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 Coleman County, or a parcel of land, the deed for which has been recorded in the office of the County Clerk of Coleman County.

MAJOR REPAIR or SUBSTANTIAL ALTERATION: For off-street parking and loading purposes, these terms shall refer to either one or both of the following construction activities.

1. Construction of additional floor area to an existing building equal to or in excess of 25 percent of the present floor area of the building in question.

2. Repairs or alterations to an existing building, that are expected to increase the monetary value of that building by a factor of 50 percent or more, as determined by the Building Official.

MANUFACTURED HOUSING or MANUFACTURED HOME: see "HUD-Code Manufactured Home."

MANUFACTURED HOUSING PARK: A contiguous parcel of land with required improvements and utilities for the accommodation of occupied manufactured housing; may include services and facilities for the residents.

MANUFACTURED HOUSING SUBDIVISION: A tract or land that is to be, or has been, divided or partitioned into two or more lots of adequate size for residential use by a subdivider or his agent for the purpose of sale and occupancy with manufactured housing units. The term subdivision includes resubdivision.

MANUFACTURED HOUSING SPACE or LOT: A designated parcel of land for the placement of a single manufactured housing unit and the exclusive use of its occupants, that is not located on a manufactured housing sales lot.

MOBILE HOME: A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 square feet or more, and that 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.

NONCONFORMING USE or STRUCTURE: A building, structure or use of land lawfully occupied at the time of the effective date of this Zoning Ordinance, and which does not conform to the regulations of the district in which it is situated.

OFF-STREET PARKING SPACE: An area of appropriate dimensions for the parking of an automobile not located on a public street or alley. An off-street parking space may be enclosed or unenclosed, and includes a driveway connecting the parking space with a street or alley permitting free ingress and egress.

OFF-STREET LOADING SPACE: A space located on the subject property for the standing, loading and unloading of vehicles to avoid undue interference with the public use of streets and alleys.

OPEN SPACE: Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

OVERLAY ZONE: A set of zoning requirements that is described in the Zoning Ordinance text, is outlined on the Official Zoning Map for the City of Coleman, and is imposed in addition to those requirements of the zoning district which underlies it. Development in the overlay zone must conform to requirements of the underlying district, except as otherwise amended or modified by requirements of the overlay zone.

PARKING, ALL-WEATHER SURFACE: A surface consisting of compacted caliche, gravel, or a surface consisting of any similar material approved by the Building Official.

PAVED SURFACE or PAVING: Any of the following methods of covering a surface upon which motor vehicles may be driven:

1. **Hot Mix Asphaltic Concrete** - Texas Highway Dept., Type F, minimum thickness of 1- 1/4 inches.
2. **Two Course Penetration** - surface composed of two layers of crushed stone and asphalt. First Course - Texas Highway Department, Grade 2, Type D; Second Course - Texas Highway Department, Grade 4, Type D.
3. **Concrete** - Reinforced concrete, minimum 28 day compressive strength of 3,000 psi, and minimum thickness of 5 inches.
4. **Brick Pavers or Other Special Finish Surfaces** - any proposed paved surface finish other than those specified above shall be subject to review and approval by the Building Official. The applicant shall provide technical and design information as required by the Building Official.

RECREATIONAL EQUIPMENT OR TRAILER: Such equipment or trailers shall include any boat, on or off a trailer; any boat trailer; any race car or parts on or off a trailer; any snowmobile, on or off any trailer; any dune buggy, on or off a trailer; any motorcycle trailer and any utility, cargo or stock trailer.

RECREATIONAL VEHICLE: Recreational vehicle: Recreational vehicle, travel trailer and vacation travel trailer are used synonymously throughout the comprehensive zoning ordinance and mean a vehicle designed for a temporary or short-term occupancy for travel, recreational and vacation uses. Such vehicles shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, mobile home, motor home or house car, and any pickup camper, on or off the pickup (excluding recreational dual purpose vehicles), except a simple shell, on the pickup, having no cooking or bath facilities.

RECREATIONAL VEHICLE PARK: See "Campground".

RECYCLING CENTER: A parcel of land, with or without buildings, upon which small items such as cans, glass, plastic and paper (collected from household and business consumers) are separated and processed for shipment for eventual reuse in new products.

RECYCLABLE MATERIALS COLLECTION CENTER: A use characterized by the collection (from household and business consumers) of small items such as cans, glass, plastic and paper, for temporary storage and subsequent transport to another facility for processing. No mechanical means of processing or collecting shall be allowed, including, but not limited to the crushing of cans.

REHABILITATION: The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

RENDERING, MEAT AND POULTRY BY-PRODUCTS: Converting waste from animal slaughterhouses, kitchen grease and/or livestock carcasses into industrial fats and oils (such as tallow for soap) and various other products (such as fertilizer).

RESTORATION: The replication or reconstruction of a building's original architectural features, usually, with regard to historic landmarks.

ROOMING HOUSE: See "Boarding House or Rooming House."

SEATS: See Sec. 12.02, Measurements.

SIGN: Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images, excluding _religious symbols.

SPECIFIED ANATOMICAL AREAS: The following shall be considered specified anatomical areas:

1. Less than completely and opaquely covered:
 - a. human genitals, pubic region
 - b. buttock
 - c. female breast below a point immediately above the top of the areola; and
2. Human genitals in a discernibly erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: The following shall be considered specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal; or
2. Acts of human masturbation, sexual intercourse, sodomy, acts of bestiality;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY: See Sec. 12.02, Measurements.

STREET: Any vehicular thoroughfare or public driveway, other than an alley, that is more than 20 feet in width and that has been formally dedicated or is actually used by the public as a thoroughfare, usually, including sidewalks and drainageways that line one or more of its sides.

STRUCTURAL ALTERATION: Any change in a supporting member of a building, such as a bearing wall, column, beams or girders.

STRUCTURE: A combination of materials held or put together in a specific way to form a construction for use, occupancy or ornamentation, whether installed on, above, or below the surface of land or water. Note that all buildings are considered structures; however, not all structures are buildings. See also "Building."

TANDEM PARKING: Parking two vehicles end to end in the same driveway.

USE: The purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

YARD: An open, unoccupied space on a lot on which a building is situated that is unobstructed from the ground to the sky (see also "Open Space").

YARD, REQUIRED: A required yard is that portion of the open area on a lot extending open and unobstructed from the ground to the sky along a lot line and from that lot line for a depth (or width) specified by the regulations of the district in which the lot is located.

ZONING MAP: The Official Zoning Map, incorporated into this Zoning Ordinance and made a part hereof.

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Cemetery or mausoleum									S	S	S	S
Child care center									X	X	C	C
Church, rectory, place of worship	X	X	X	X	X	X			X	X	S	S
Civic center									S	X	X	X
College or university									S	S	S	S
Community center, public									S	X	X	X
Community center, private									S	X	X	X
Country club, private									S	S	S	S
Exhibition area									X	X	X	X
Fairgrounds									S	S	X	X
Farm, ranch, or orchard	X	S									S	S
Feedlot, livestock	S											S
Fraternal organization, lodge, or civic club									X	X	X	X
Golf course	S	S									S	S
Golf driving range	S									S	S	S
Greenhouse, commercial	X	S							S	X	X	X
Greenhouse or plant nursery, non-commercial	X	X	C	C	C				C	X	X	X
Health club; gymnasium									X	X	X	X
Hospital						X			X	X	X	X
Household care institution						X			X	X	X	X
Kennel	S										X	X
Library						S			X	X	X	X
Museum or art gallery									X	X	X	X

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Nursery school, kindergarten		S	S	S	S	S	S	S	S	X	S	S
Park, playground (public)	X	X	X	X	X	X	X	X	X	X	X	X
Park, playground (private)		S	S	S	S	S	S	S	S			
Prison, jail, place of incarceration											S	S
Race track											X	X
Registered family home	S	S	S	S	S	S	S	S	S	S	S	S
Rehabilitation care facility	S				S	S				S	S	S
Rehabilitation care institution	S									S	S	S
Rest home or nursing home	S	S				S			S	X	S	S
Rodeo arena and grounds	S										S	S
School private/public (primary and/or secondary)	S	S				S			S	X	S	S
School, trade or commercial	S								S	X	X	S
Shooting range, target range, outdoor												S
Shooting range, target range, indoor										S	S	S
Specialty Schools									X	X		
Stable, commercial	X											
Stable, private	X	S										
Stadium or play field, public	S								S	X	X	X

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Swimming pool, commercial			S	S	S	X			S	X	S	S
Swimming pool, private	X	X	X	X	X	X	X	X	C	C	C	C

TRANSPORTATION, UTILITY AND COMMUNICATION USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Airport, landing field	S											X
Electric power generating plant	S										X	X
Electrical substation	S	S	S	S	S	S	S	S	X	X	X	X
Electrical transmission line	X	X	X	X	X	X	X	X	X	X	X	X
Gas metering station	X	S	S	S	S	S	S	S	S	S	X	X
Gas transmission line	X	X	X	X	X	X	X	X	X	X	X	X
Heliport or helistop	S								S	X	X	X
Landfill	S											X
Liquefied petroleum gas, storage, sale (no bulk plants)	S									X	X	X
Local utility distribution lines	X	X	X	X	X	X	X	X	X	X	X	X
Public or private franchised utility	S	S	S	S	S	S	S	S	S	X	X	X
Radio, TV or microwave tower, amateur	C	C	C	C	C	C	C	C		X	X	X
Radio, TV or microwave tower, commercial	S									X	X	X
Railroad station										X	X	X
Railroad team track & right of way	X										X	X
Railroad track and right of way	X	X	X	X	X	X	X	X	X	X	X	X
Service yards of government agency	S								S	S	X	X
Sewage pumping station	X	X	X	X	X	X	X	X	X	X	X	X
Sewage treatment plant	S									S	S	X

TRANSPORTATION, UTILITY AND COMMUNICATION USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Shops, office and/or storage area of public or private utility	C								C	C	X	X
Solid waste transfer station	S										X	X
Telephone exchange									S	X	X	X
Telephone line	X	X	X	X	X	X	X	X	X	X	X	X
Transit station or turnaround	X	X	X	X	X	X	X	X	X	X	X	X
Water pumping station or well	X	X	X	X	X	X	X	X	X	X	X	X
Water storage, elevated	X	S	S	S	S	S	S	S	S	X	X	X
Water storage, ground	X	S	S	S	S	S	S	S	X	X	X	X
Water treatment plant	S									X	X	X

AUTOMOBILE AND RELATED SERVICE USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Auto leasing									C	X	X	X
Auto paint and body shop										S	X	X
Auto parts sales (inside)									X	X	X	X
Auto parts sales (outside)											S	X
Auto repair: Major											X	X
Auto repair: Minor										X	X	X
Automobile and trailer sales area, new									S	X	X	X
Automobile and trailer sales area, used									S	X	X	X
Automobile service station									S	X	X	X
Auto storage										S	X	X
Auto wrecking yard or junk yard											S	X
Bus terminal										X	X	X
Car wash									S	X	X	X
Motorcycle sales and service									S	X	X	X
Parking lot or parking garage, automobile									X	X	X	X
Parking lot or parking garage, truck											X	X
Quick oil change facility									S	X	X	X
Quick tune-up facility									S	X	X	X
Tire dealer (no outside storage)										S	X	X
Tire dealer (with outside storage)										S	X	X

AUTOMOBILE AND RELATED SERVICE USES

TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Tire retreading and recapping											X	X
Truck and bus leasing										S	X	X
Truck and bus repair											X	X
Truck or motor freight terminal										S	X	X
Truck sales									S	S	X	X

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Adult bookstores, etc												X
Air conditioning & refrigeration contractor										C	X	X
Amusement, commercial (indoor)									C	C	X	X
Amusement, commercial (outdoor)	S									S	X	X
Antique shop									X	X	C	C
Arcade									C	C	X	X
Arts, crafts store (inside sales)									X	X	C	C
Baker and confectionery, retail sales									X	X	C	C
Bakery Commercial									S	S	X	X
Bars and Taverns											C	C
Bank, savings and loan, credit union									X	X	S	S
Barber shop									X	X	C	C
Barber school or college									X	X	C	C
Beauty culture school; cosmetology spec. shop									X	X	C	C
Beauty shop									X	X	C	C
Bldg. Materials, hardware (inside sales)									X	X	X	X
Bldg. Materials, hardware (outside sales)									S	S	X	X
Boat sales and storage										X	X	X
Business service									X	X	X	X
Cabinet and upholstery shop									C	C	X	X

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Cleaning and dyeing, small shop									C	C	X	X
Clinic, medical or dental									X	X	C	C
Club, private									C	C	C	C
Convenience store						S			X	X	X	X
Custom personal service shop									X	X	C	C
Discount, variety, or department store									X	X	C	C
Drapery, needlework, or weaving shop									X	X	C	C
Engine and motor repair											X	X
Farm equipment, sales & service	S									S	X	X
Feed and farm supply (inside sales/storage)	S									X	X	X
Feed and farm supply (outside sales/storage)	S									S	X	X
Flea market									C	C	C	X
Florist									X	X	C	C
Food store; grocery store									X	X	C	C
Furniture, appliance store									X	X	C	C
Garden center (retail sales)									C	X	C	C
General merchandise store									X	X	C	C
Handcraft shop									X	X	C	C
Heavy machinery sales										S	X	X
Household appliance service and repair									C	X	X	X

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Laboratory, medical or dental									X	X	C	C
Laboratory, scientific or research											X	X
Laundry and cleaning, self service						S			X	X	C	C
Laundry and cleaning, commercial									X	X	X	X
Metal dealer, secondhand												X
Metal dealer, crafted precious									X	X	X	X
Newspaper printing									X	X	X	X
Office Center									X	X	C	C
Office, professional or general administrative									X	X	C	C
Office - showroom / warehouse									C	X	X	C
Pawn Shop									X	X	C	C
Personal service shop									X	X	C	C
Pet shop									X	X	C	C
Pharmacy									X	X	X	C
Plumbing, heating, refig. or air cond. Business										C	X	X
Plumbing service										C	X	X
Portable building sales										C	X	X
Post office, government and private									X	X	X	X
Print shop									X	X	X	X
Racquetball facilities									C	X	X	C
Restaurant or cafeteria, with drive-in service						S			X	X	X	X

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Restaurant or cafeteria, without drive-in or drive-through service						S			X	X	X	X
Retail shops and stores other than listed									C	C	C	C
Second hand store, furniture / clothing									C	X	X	C
Service, retail									C	C	X	C
Shopping center									S	X	C	C
Storage, repair of furn. & appliance (inside)										C	X	X
Storage, repair of furn. & appliance (outside)											X	X
Studio (photographer, musician, artist)									X	X	C	C
Studio for radio and television									X	X	X	C
Tanning salon									X	X		
Tattoo parlor											X	X
Taxidermist										X	X	C
Theater (indoor)									X	X	C	C
Theater (outdoor)	S								C	X	X	C
Tool rental shop									C	X	X	X
Trailer, manufactured housing or mobile home display and sales							X	X			X	X
Trailer rental											X	C
Veterinarian clinic (no outside pens)									C	X	X	X
Veterinarian clinic (outside pens)										C	X	X
Washateria						C			CS	X	X	X

MANUFACTURING, STORAGE AND WAREHOUSING USES												
TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Acetylene gas manufacture or storage											X	X
Acid manufacture												
Advertising displays manufacture											X	
Alcohol manufacture												
Ammonia, bleach or chlorine manufacture												
Apparel and other products assembled from finished textiles											X	
Arsenal												
Asphalt manufacture or refining												X
Blast furnace												X
Boats, building or repair											X	X
Boiler works												X
Bookbinding, except hand biding										C	X	X
Bottling works											X	X
Brick, tile, pottery or terra cotta manufacture, other hand handcraft											S	X
Brooms or brushes, manufacture											X	X
Building materials (inside storage)									C	C	X	X
Building materials (outside storage)									C	C	X	X
Cameras or other photographic equipment									C	X	X	X

ACCESSORY AND INCIDENTAL USES

TYPE OF USE	A	SE-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Accessory building to main use	X	X	X	X	X	X	X	X	X	X	X	X
Carport	X	X	X	X	X	X	X	X	X	X	X	X
Construction Yard (temp)	X	X	X	X	X	X	X	X	X	X	X	X
Field or Sales office	X	X	X	X	X	X	X	X	X	X	X	X
Garage, private	X	X	X	X	X	X	X	X				
Motor home storage; not to be used for living quarters	X	X	X	X	X	X	X	X			X	X
Trailer; travel trailer; cattle trailer, etc. storage; not to be used for living quarters	X	X	X	X	X	X	X	X			X	X