

ORDINANCE NO. 94

COAHOMA ZONING ORDINANCE

AN ORDINANCE TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; TO REGULATE THE HEIGHT OF BUILDINGS AND STRUCTURES; TO REGULATE AND DETERMINE THE AREA OF YARDS AND OTHER OPEN SPACES ABOUT BUILDINGS; TO REGULATE AND DETERMINE THE DENSITY OF USE OF LAND AND LOT AREAS, AND FOR THE SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS, TO PROVIDE FOR ITS ENFORCEMENT AND FOR A BOARD OF ADJUSTMENT; TO PROVIDE FOR CHANGES AND AMENDMENTS, TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING A SEVERABILITY CLAUSE.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COAHOMA, TEXAS THAT THE FOLLOWING PROVISIONS SHALL AND CONSTITUTE THE COAHOMA ZONING ORDINANCE AND THAT THIS ORDINANCE IS EFFECTIVE AS OF THE DATE BELOW:

PASSED, APPROVED AND ADOPTED THIS THE 26 day of January, 2012.

Attest:

Sammy Griffin

City Secretary
City of Coahoma, Texas

Wanda Walker

Mayor
City of Coahoma, Texas

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ARTICLE 1. PURPOSE

Zoning Regulations and Districts are herein established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration, among other things, for the character of each district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the appropriate use of land throughout the City.

ARTICLE 2. ZONING DISTRICTS ESTABLISHED

2-1. 01. The City of Coahoma, Texas, is hereby divided into zoning districts as listed in this section.

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
A	Agricultural District
R-1	Residential-1 District
R-2	Residential-2 District
R-3	Residential-3 District
NS	Neighborhood Service District
C	Commercial District
I	Industrial District
PD	Planned Development District

2-1. 02. Description and Purpose of Zoning Districts

Agricultural District: This district provides for the continuance of farming, ranching and gardening activities on land now utilized for these purposes. When land in the "A" category is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for the orderly growth and development in accordance with the Comprehensive Plan.

Once land in a category has been placed into another district, the intent of this ordinance is that such land shall not be changed back to an "A" category by subsequent request for a change.

Residential-1: The R-1 District provides for a minimum residential building site of 12,000 square feet. Typical density will have between two (2) and four (4) dwellings per acre. No HUD Code Manufactured Homes are allowed.

Residential-2: The R-2 District provides for a minimum residential building site of 6,000 square feet. Typical density will have between four (4) and eight (8) dwellings per acre.

Attached dwellings (duplex, triplex and quadplex) are also permitted. Attached dwellings with more than 4 units are permitted after granting of a Specific Use Permit by the City Council. HUD Code Manufactured Homes are allowed in this district with a Specific Use Permit.

Residential-3: The R-3 district establishes a category in which manufactured housing (HUD Code only) development can occur.

Neighborhood Service District: Primarily a district for the conduct of retail trade with emphasis on the provision of convenience goods and services for nearby residential areas. Mixed-use buildings containing residential and commercial areas are allowed in this district with a Specific Use Permit.

Commercial District: This is the standard commercial district and allows most commercial uses including convenience goods and services, retail sales, sit-down restaurants, grocery stores, gas stations, department stores, offices and banks. Public uses, such as public administration offices, public safety, schools, and utilities may also be found in this district. Multi-family units in the form of apartments or mixed-use buildings containing residential and commercial units are allowed in this district. HUD Code Manufactured Homes are allowed in this district with a Specific Use Permit.

Industrial District: This district allows for low intensity corporate development and light to moderate industrial uses such as warehousing, distribution, light assembly, and industrial uses likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. HUD Code Manufactured Homes are allowed in this district with a Specific Use Permit.

Planned Development District: The Planned Development District provides a zoning category for the planning and development of tracts of land 3 acres or more in size that allows for more efficient use of space, the provision of high-quality open recreation and gathering areas, and/or a combination of uses not enabled in any other single district.

2-1. 03. Overlays

Flood Plain Overlay: Zoning Districts located in flood hazard areas which are subject to periodic inundation may be preceded by the prefix FP, indicating a sub-district or overlay. Uses in FP sub-district must be approved by the City Council. Approval shall only be given after engineering studies determine that the area or any portion thereof is suitable for uses in the district and building construction or development would not create an obstruction to drainage nor a hazard to life or property and that such construction is not contrary to the public interest.

ARTICLE 3. ZONING DISTRICT MAP

The boundaries of the zoning districts set out herein are delineated upon the new zoning district map of the City of Coahoma, Texas, said map being hereby adopted as a part of this ordinance as fully as if the same were set forth herein in detail, and repealing any existing 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:

- A. One copy shall be filed with the City Secretary, to be retained as the original

record and shall not be changed in any manner.

- B. One copy shall be kept on public display and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy and compliance and for enforcing the Zoning Ordinance.
- C. Reproductions for information purposes may from time to time be made of the official Zoning District Maps. The map shall be updated as individual zoning requests are approved.

ARTICLE 4. ZONING DISTRICT BOUNDARIES

- 4.1 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:
- 4.2 Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
- 4.3 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- 4.4 Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 4.5 Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- 4.6 Boundaries indicated as approximately following the centerline of streams, drainage ways or other bodies of water shall be construed to follow such centerline.
- 4.7 Boundaries indicated as parallel to or extensions of features indicated in 4.1 through 4.6 above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
- 4.9 Whenever the street, alley or other public way is vacated by official action of the City Council, or whatever street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or 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.
- 4.10 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

sub-sections 5.1 through 5.9 or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be temporarily classified as "A", Agricultural District. In an area determined to be temporarily classified as "A" Agricultural District, no person shall construct, add to or alter any building or structure or cause the same to be done nor shall any use be located therein or on the land which is not permitted in an "A" District, unless and until such territory has been zoned to permit such use by the City Council.

ARTICLE 5. TEMPORARY ZONING-ANNEXED TERRITORY

- 5.1 All territory hereafter annexed to the City of Coahoma shall be temporarily classified as "A", Agricultural District, until permanent zoning is established by the City Council of the City of Coahoma. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.
- 5.2 In an area temporarily classified as "A", Agricultural District:
- A No person shall erect, construct or proceed to 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 Coahoma 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.
- B 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 the "A", Agricultural District, unless and until such territory has been classified in a zoning district other than the "A", Agricultural District, by the City Council in the manner prescribed by the law.

ARTICLE 6. COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the City of Coahoma, Texas, which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

ARTICLE 7. USE OF LAND AND BUILDINGS

Land or premises in each of the following classified districts in the City may be used for the following purposes only. Except as herein provided, any other use of such land or premises in such district or districts shall be unlawful and in violation of this Ordinance. The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "permitted," permitted by "Specific Use Permit," or prohibited. Prohibited uses are signified by "blank" cells.

SECTION 7-1 Permitted Use Table

- = Permitted land uses within each district
- △ = Specific Use Permit required
- * = Permitted if part of an approved site plan
- Blank space designates prohibited in district indicated

	A	R-1	R-2	R-3	C	NS	I	PD
Agricultural Uses								
Animal Feed Lot	△							*
Animal Pond (Commercial)	△						■	*
Auction Barn	△						■	*
Farm or Ranch	■							*
Garden or Orchard (Commercial)	■							*
Garden or Orchard (Non-Commercial)	■	■	■	■				*
Granary	△						△	*
Grain Elevator	△						△	*
Greenhouse or Nursery (Commercial)	■				■			*
Kennel, Boarding or Breeding	△	△	△				△	*
Livestock	△	△						
Poultry	△	△	△	△	△	△	△	*
Residential Uses								
Single Family Dwelling-Attached (Duplex, Triplex, Quadplex)			■					*
Single Family Dwelling-Attached (Mixed Use)					■	■		
Single Family Dwelling-Detached	■	■	■					*
HUD Code Manufactured Housing Park				△	△	△	△	*
HUD Code Manufactured Home as Fixed Dwelling			△	■	△		△	*
Recreational Vehicle								
Recreational Vehicle Park				△	△		△	*
Mobile Home (pre-1976)								

	A	R- 1	R-2	R-3	C	NS	I	PD
Apartment (5 or more units)			Δ	Δ	■	Δ		*
Group Living	■	■	■			Δ		*
Hotel/Motel					■			*
Public Uses								
Cemetery, Mausoleum, or Crematorium	■				Δ		Δ	*
College or University					Δ		Δ	*
Park or Playground	■	■	■	■	■	■	■	*
Public administration					■			*
Public safety, fire, police, and emergency services					■	■	■	*
Religious institutions and fraternal organizations	■	Δ	Δ		■	■		*
School (public or private, including day care)	Δ	Δ	Δ		■	■		*
Minor utilities (e.g. on-site stormwater retention or detention, neighborhood-serving telephone switching center, gas/electric/cable transmission lines, water and wastewater pump station or lift station, water well)	■	■	■	■	■	■	■	*
Major utilities (e.g. electrical substation, electric or gas generation plant, filter bed, wireless communication towers and facilities, waste treatment plant, water pumping facility, water tower)	■						■	*
Commercial Uses								
Alcohol Beverage Sales/Consumption On Site					Δ			
Alcohol Beverage Sales for Off-Premise Consumption					Δ			
Bakery/Confectionary Shop (Retail)					■	■		*
Bakery/Confectionary Shop (Wholesale)					■			*
Beauty, Barber, or Other Personal Service Shop					■	■		*
Beer, Liquor, and Wine Distributor								
Convenience Store with Gas					■		■	*

	A	R-1	R-2	R-3	C	NS	I	PD
Convenience Store without Gas					■	■	■	*
Drug Store					■	■		
Grocery Store					■	△		*
Grocery Store with Alcohol Sales					■			
Kennels and Stables	■	△			△		■	*
Indoor Recreation					■	△	■	*
Laundry/Coin-operated or Dry Cleaning					■		■	*
Medical Office					■	■	■	*
News, Flowers and/or Refreshment Stand				■	■	■		*
Offices pertaining primarily to information services (e.g. law firms, real estate agents, banks, printing, and computer repair) or off-site services (e.g. catering, household cleaning, home health care)					■	■	■	*
Recreation Vehicle (RV) or Mobile Home Sales or Rental					△		■	*
Repair Businesses (e.g. electrical appliances, lawn equipment, recreational equipment, air conditioning, plumbing, transportation and construction equipment).					■			*
Restaurants, cafes, bakeries, with no drive-thru service					■	■		*
Restaurants with drive-thru service					■			
Retail outlets, except for auto and large equipment sales					■	■		*
Retail outlets, auto and large equipment sales							■	*
Sexually Oriented Businesses**					△		△	
Storage Businesses (e.g. mini-storage)					■		■	*
Veterinary Hospital/Clinic	△				■			*
Industrial Uses								
Manufacturers/ Small Scale (< 3,000 sq ft. manufacturing space)					■		■	*
Manufacturers/ Large Scale (> 3,000 sq ft. manufacturing							■	*

	A	R- 1	R-2	R-3	C	NS	I	PD
space)								
Natural Resource Storage and Extraction							Δ	*
Auto and large equipment service and washing							■	*
Warehousing, freight and storage, including equipment rental and storage							■	*
Welding or Machine Shop					■		■	*
Wholesale trade					Δ		■	*

†For uses related to livestock, see related City ordinance

*As specified in State law, any group home regulated by the Texas Human Resources Code, Section 123.001 is permitted in any district that allows residential uses if the exterior of the home is compatible with surrounding residential structures.

**Sexually oriented businesses are prohibited within 1,000-feet of a public school or a public or private day-care center or child-care facility located on a building ground floor.

7-1. 01. Uses not listed. The Zoning Administrator will determine which category is most appropriate for unlisted uses and which category is most appropriate when a use could be interpreted as belonging in multiple categories. When making a determination, the Zoning Administrator will consider whether:

- A. The use is consistent with the intent and purpose of the applicable zoning district;
- B. The use is similar to and of the same general type as the uses listed in the zoning district;
- C. The use has similar intensity, density, off-site impacts and impacts on community facilities as the uses listed in the zoning district.

An appeal to the decision of the Zoning Administrator may be made to the Board of Adjustment or the City Council.

7-1. 02. Conditions and Regulations for Listed Uses. The following describe conditions and special regulations for uses. Additional requirements may be added to these herein by the City Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Coahoma. No construction or occupancy shall commence for any permitted use until the conditions herein stated have been met.

- A. Site Plan Approval. Site plan approval by the Planning and Zoning Commission and/or City Council will be required in accordance with Article 18, Site Plan Requirements.
- B. Mobile homes (pre-1976) as defined in Tex.Rev.Civ.Stat.Ann. art. 5221f, § 3(17) are not permitted within the City of Coahoma.

- C. Child care facility license required. Any child-care facility or school must provide a copy of the State of Texas Certification of licensing or registration as described in Section 42.052 of Chapter 42 - Texas Human Resources Code to the City.
- D. Sexually-oriented businesses are prohibited within **one thousand feet (1,000')** of a public school or a public or private day-care center or child-care facility located on a building ground floor; a church; or a boundary of a residential district.
- E. Establishments that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections. According to state law, sale of liquor for off-premises consumption is not allowed within 300-feet of a public school, a public or private day-care center or child-care facility located on a building ground floor, a church or a public hospital, unless expressly permitted by City ordinance.

SECTION 7-2 Temporary Use Permits.

7-2. 01. Purpose. Certain temporary uses of land are essential to the full development and utilization of the land for its lawful purpose. The temporary uses hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

7-2. 02. Permitted Uses

Temporary Use	Districts
Construction Office. Temporary field or construction offices and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for specific periods of time when approved by the Zoning Administrator. Such temporary uses shall be discontinued by the order of the City and in no event shall such temporary uses continue to exist on the premises after the construction for which they were erected is completed.	All
Real Estate Sales Office. Temporary field real estate sales offices may be permitted in single-family residential subdivisions for specific periods of time when approved by the Zoning Administrator. Such temporary uses may be located in a "Model Home" or a portable building within the subdivision, but shall be discontinued by the order of the Zoning Administrator. In no event shall such temporary uses continue to exist after the subdivision or the increment of same in which the use is located shall have been substantially developed.	All Residential Districts
HUD-Manufactured Home after Disaster. Temporary Manufactured homes placed on lots while homes are being rebuilt in areas declared a disaster by the Federal or State government. Such temporary uses shall be discontinued by the order of the	All

City and in no event shall such temporary uses continue to exist on the premises after the construction for which they were erected is completed.	
Outdoor seasonal sales. A one hundred and twenty (120) day temporary use permit can be issued by the City provided that the lot to be utilized has adequate space for off-street parking, access to restroom facilities for employees, and means of ingress and egress are compatible with existing traffic flows. A trailer (for sales only) may be located on the lot for which the temporary use permit is issued to provide for office space.	C, I or NS District
Post-disaster housing. Temporary housing may be permitted in residential subdivisions for up to six (6) months when approved by the Zoning Administrator. Such temporary uses may be located in a portable building or recreational vehicle within the subdivision.	A, R1, R2

7-2. 03. Application for Temporary Use Permit

The applicant for a Temporary Use must present his request in writing to the Zoning Administrator.

7-2. 04. Application Fee shall be as prescribed by the most recently adopted City Fee Schedule.

SECTION 7-3 Specific Use Permits ("SUP")

7-3. 01. Purpose. The purpose of this section is to provide a procedure for the location of certain uses in certain zoning districts and under specific conditions by special permit granted by the Planning and Zoning Commission and/or City Council. Often uses in one location in the City would be objectionable, while the same use in another location would be acceptable, especially if the applicant agrees to comply with requirements designed to overcome objectionable features. This provision gives the Ordinance flexibility.

7-3. 02. Special permit uses and the districts in which they may be authorized are listed under 7-1: Permitted Uses, as designated in the Permitted Use Table with the Δ symbol.

7-3. 03. Application for Specific Use Permit

- A. The applicant for a Specific Use must present his request to the Planning and Zoning Commission and/or City Council after making application for such use with the Zoning Administrator. After public notice and hearing, according to law, the Planning and Zoning Commission and/or City Council may grant the permit including the imposition of conditions of use which it may deem essential to insure that the Specific Use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and

permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

- B. Application Fee shall be as prescribed by the most recently adopted City Fee Schedule.

7-3. 04. Criteria for Granting a Specific Use Permit.

- A. In reaching a decision on any application for a Specific Use, the Planning and Zoning Commission and/or City Council shall determine:
- B. That the effect of such proposed use will not be detrimental to the neighborhood character, traffic, public utilities, schools, public safety and general welfare;
- C. That the requested Specific Use will establish only those uses permitted under the ordinance;
- D. That the location of proposed activities and improvements are clearly defined on a site plan filed by the application
- E. That the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the council may find necessary to protect and maintain the stability of adjacent properties.

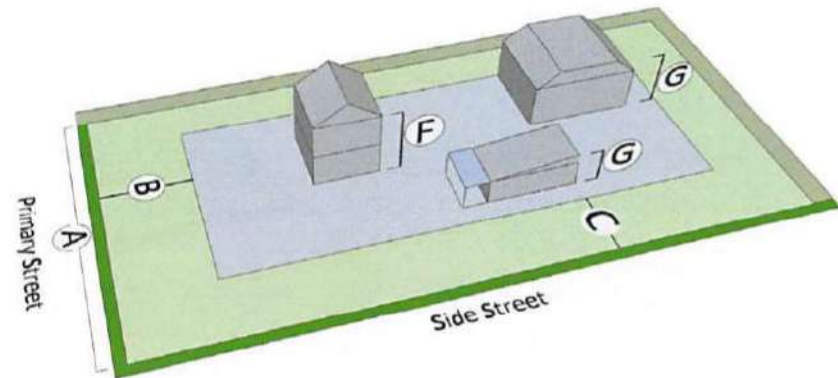
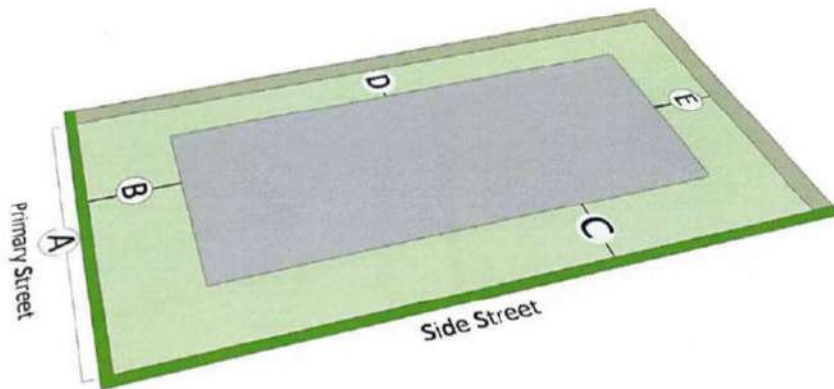
7-3. 05. Additional Development Standards. The commission may recommend and the Council may require, in addition to the specified conditions, such reasonable development standards as deemed necessary for the protection of the immediate properties and the neighborhood of the application. Such recommendations may include utilities, drainage, landscaping, lighting, signs and advertising devices, screenings, fences; access ways, curb cuts, traffic control, height of buildings and setback of buildings.

7-3. 06. Expiration of Special Permit. A Specific Use Permit shall be deemed to have expired one year from the date of granting thereof unless the premises covered thereby are actually being used according to the permit; provided that additional time may be granted by the City Council or provisions may be made for extension of time by terms of the permit itself. Whenever the use for which a Specific Use Permit is granted is terminated for any reason whatsoever, the Specific Use Permit shall be deemed to have expired. The Council may grant such Specific Use Permit for a specified period of time.

ARTICLE 8. DESIGN STANDARDS

SECTION 8-1 Agricultural District

A large lot designed to accommodate agricultural and residential uses. Lots may have multiple structures including a house, barn, workshop, or other accessory structures, provided the lot maintains low building coverage.

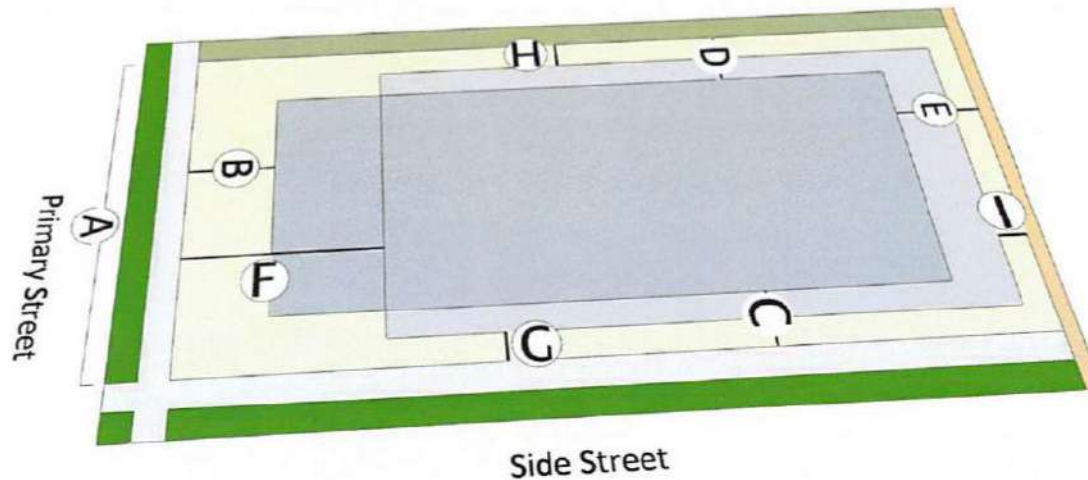


District:		A
Lot		
	Area (min acres)	2
(A)	Width (min)	200'
Structure Setbacks		
(B)	Front (min)	35'
(C)	Side, street (min)	15'
(D)	Side, interior (min)	10'
(E)	Rear (min)	30'

District:		A
Principal Structure Height		
(F)	Stories (max)	3
(F)	Feet (max)	40'
Accessory Structure Height		
(G)	Stories (max)	n/a
(G)	Feet (max)	30'

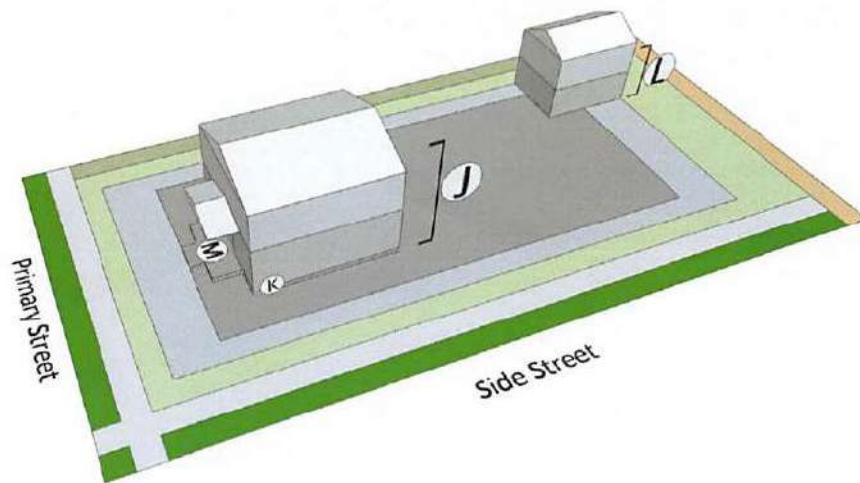
SECTION 8-2 Residential Districts

District containing one principal dwelling unit typically located on a single lot with private yards on all four sides. Also includes modular or manufactured homes.



<i>District:</i>		R-1	R-2	R-3
Lot				
	Area (min)	12,000 sq ft	6,000 sq ft	6,000 sq ft
	Lot Coverage (max)	60%	60%	60%
(A)	Width (min)	100'	50'	50'
Principal Structure Setbacks				
(B)	Front (min)	35'	25'	25'
(D)	Side, interior (min)	10'	5'	5'
(E)	Rear (min)	20'	20'	20'

<i>District:</i>		R-1	R-2	R-3
Accessory Structure Setbacks				
(F)	Behind front façade of principal structure (min)	15'	15'	15'
(G)	Side, street (min)	10'	10'	10'
(H)	Side, interior (min)	3'	3'	3'
(I)	Rear, common lot line (min)	5'	5'	5'
(J)	Rear, alley (min)	5'	5'	5'

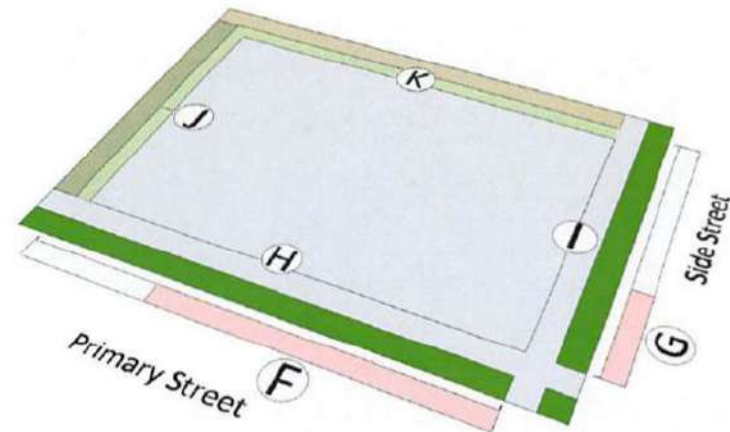
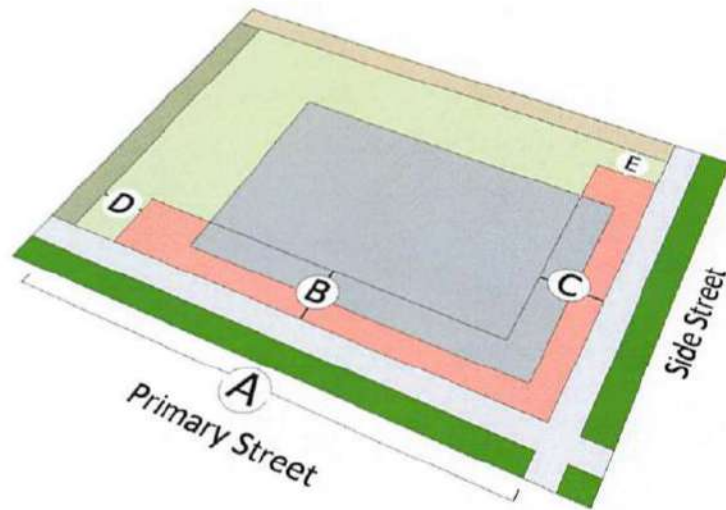


District:		R-1	R-2	R-3
Principal Structure Height				
(J)	Stories (max)	2	2	1
(J)	Feet (max)	35'	35'	15'
(K)	Ground story elevation (min)	12"	12"	12"
Accessory Structure Height				
(L)	Stories (max)	2	2	1
(L)	Feet (max)	25'	25'	15'
Building Entrance				
(M)	Street facing entrance required	yes	yes	yes

District:		R-1	R-2	R-3
Building Materials Allowed				
	Brick/Masonry	yes	yes	yes
	Solid wood planking, stucco	yes	yes	yes
	Fiber cement siding	yes	yes	yes
	Balcony	yes	yes	yes
(N)	Entrance Spacing (max, apartment buildings)	n/a	n/a	n/a
Transparency (apartment buildings)				
(O)	Ground Story (min)	30%	30%	n/a
(P)	Upper Story (min)	20%	20%	n/a

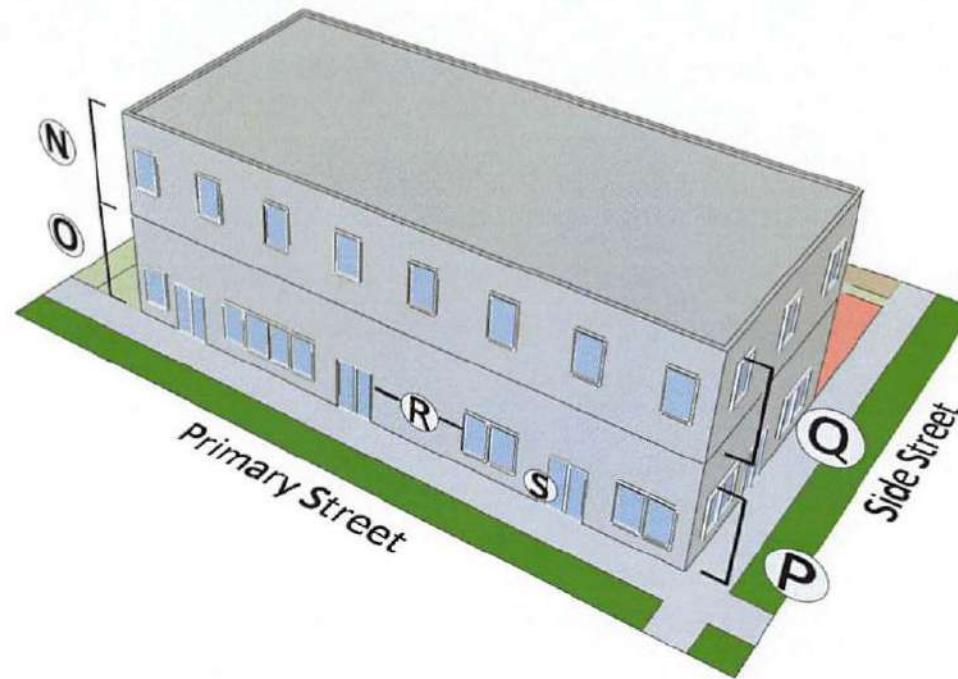
SECTION 8-3 Commercial and Neighborhood Service Districts

Intended primarily for retail, restaurants and offices with NS generally generating less traffic and parking than C. Storefront windows are provided to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing.



District:		C	NS
Lot			
	Area (min SF)	8,000	6,000
Building Setbacks			
(A)	Primary street (min)	20'	10'
(C)	Side street (min)	10'	0'
(D)	Setback abutting R district (min)	30'	20'
(D)	Setback abutting any other district (min)	5'	10'
(E)	Setback abutting alley (min)	5'	10'

District:		C	NS
Building Facade			
(F)	Min % of lot width	60%	80%
(G)	Min % of lot depth	40%	40%
Parking Location			
(H)	Setback from primary street (min)	0'	0'
(I)	Side street setback (min)	0'	0'
(J)	Setback abutting R district (min)	20'	10'
(J)	Setback abutting any other district (min)	5'	10'
(K)	Setback abutting alley (min)	5'	5'

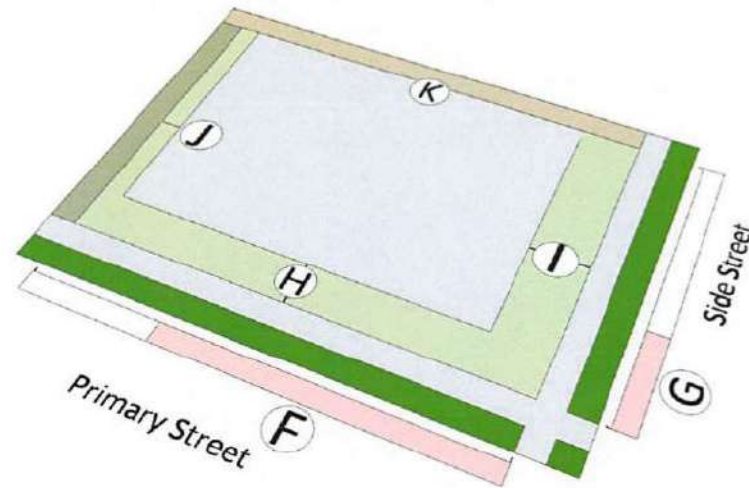
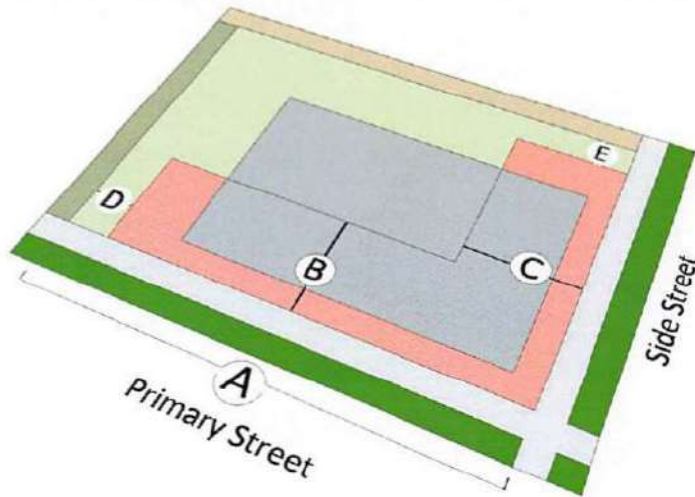


<i>District:</i>		C/NS
Height		
(N)	Stories (max)	2
(N)	Feet (max) (1-story)	35'
(N)	Feet (max) (2-story)	45'
(O)	Ground story floor height (min)	18'
Transparency		
(P)	Ground story (min)	40%
(Q)	Upper Story (min)	20%
(R)	Blank Wall area (max)	30'
Building Entrance		
(S)	Street facing entrance required	yes
(S)	Entrance spacing (max)	n/a

<i>District:</i>		C/NS
Building Elements Allowed		
	Gallery, awning	yes
	Double gallery	yes
	Porch, stoop	yes
	Balcony	yes
	Gallery Awning	yes
Building Materials Allowed		
	Brick/Masonry Stucco	yes
	Solid Wood planking	yes
	Fiber cement siding	yes

SECTION 8-4 Industrial District

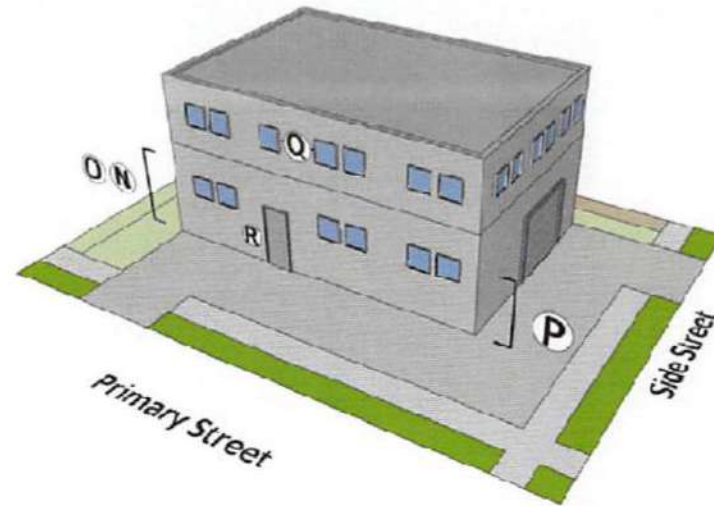
Buildings intended primarily for industrial, manufacturing and employment uses. To the extent possible, building entrances should face the street. Ground floor transparency is limited due to the intensive nature of the work inside. May include bay doors for vehicles.



District:		I
Lot		
	Area (min SF)	n/a
(A)	Width (min)	100'
Building Setbacks		
(B)	Primary street (min)	20'
(C)	Side street (min)	20'
(D)	Setback abutting R district (min)	60'
(D)	Setback abutting any other district (min)	25'
(E)	Setback abutting alley (min)	30'

District:		I
Building Facade		
(F)	Min % of lot width	50%
(G)	Min % of lot depth	N/A
Parking Location		
(J)	Primary street setback (min)	0'
(K)	Side street setback (min)	0'
(L)	Setting abutting R district (min)	30'
(L)	Setback abutting any other district	20'
(M)	Set back abutting alley (min)	10'

District:		I
Height		
(N)	Stories (max)	(N/A)
(N)	Feet (max)	45'
(O)	Ground story height (min)	12'
Transparency		
(P)	Ground story (min)	25%
(Q)	Blank wall area (max)	50'
Building Entrance		
(R)	Street facing entrance required	yes
Building Elements Allowed		
	Gallery, awning	yes
	Double gallery	yes
	Balcony	no
Building Materials Allowed		
	Brick/Masonry	yes
	Solid wood planking	yes
	Fiber cement siding	yes
	Steel/Aluminum/Metal	yes



SECTION 8-5 Planned Development District

8-5. 01. Purpose. The PD District is a zoning district that accommodates multiple uses developed as integrated land use units either by a single owner or a combination of owners.

The PD District allows for the creative master planning of developments larger than five (5) acres. A PD District may be used to permit new or innovative concepts in land use not permitted by other zoning districts, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- A. To provide for a superior design of lots or buildings;
- B. To provide for increased recreation and open space opportunities for public use and enjoyment;
- C. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- D. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, views, or wildlife habitats;
- E. To protect or preserve existing historical buildings, structures, features or places;
- F. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services;
- G. To forward the goals of the Comprehensive Plan; and
- H. To meet or exceed the standards of this Ordinance.

The zoning of a PD District shall be that shown on the development and site plan approved and made a part of the adoptive ordinance and any written special conditions within or attached to the adoptive ordinance or development plan. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD District granted therein, as well as a general statement citing the reason for the PD request.

8-5. 02. Permitted Uses. A PD District may be approved with any combination of uses allowed by this Zoning Ordinance. The uses permitted in any specific PD shall be enumerated in the ordinance establishing such district, along with any conditions or limitations deemed appropriate for the specified uses.

8-5. 03. Prohibited Uses

- A. Any building erected on land used for any other uses than those shown on the PD development plan, as approved by the City Council.
- B. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions and/or lot width; or exceeds the maximum height, building coverage or density per gross acreage as shown in the development's recorded development plan, as approved by the City Council.

- C. Any use deemed by the City Council as being detrimental to the health, safety or general welfare of the citizens of the City.

8-5. 04. Design considerations.

A Planned Center District project shall be designed to achieve the following objectives:

- A. The design shall provide for internal compatibility between residential and non-residential uses such that glare, noise, odors, traffic, and other potential nuisance conditions for residents are minimized.
- B. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
- C. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
- D. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.

8-5. 05. Site layout and project design standards.

- A. The minimum acreage for a PD request shall be three (3) acres.
- B. Each PD District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. These regulations may include, but are not limited to, the following:
 - 1. Front, side, and rear yard requirements;
 - 2. Minimum lot width, depth, and area requirements;
 - 3. Maximum lot coverage;
 - 4. Maximum building size and/or height;
 - 5. landscaping, open space, and screening requirements;
 - 6. Off-street parking and loading requirements; and
 - 7. Signage requirements.
- C. Loading areas. Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
- D. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both residential and nonresidential uses.
- E. Laundry facilities. Each residential unit shall be provided access to laundry facilities.

- F. Open space. A minimum of 30 percent of the gross platted area shall be open green space. 'Open green space' is defined as and limited to common areas of open space or landscaping and community recreational areas that is irrigated and continuously maintained. Open green space does not include areas specifically designated or used as parking lots, garages, streets, or driveways.
- G. Lighting. Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.
- H. Noise. Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance.

8-5.06. Area Regulations.

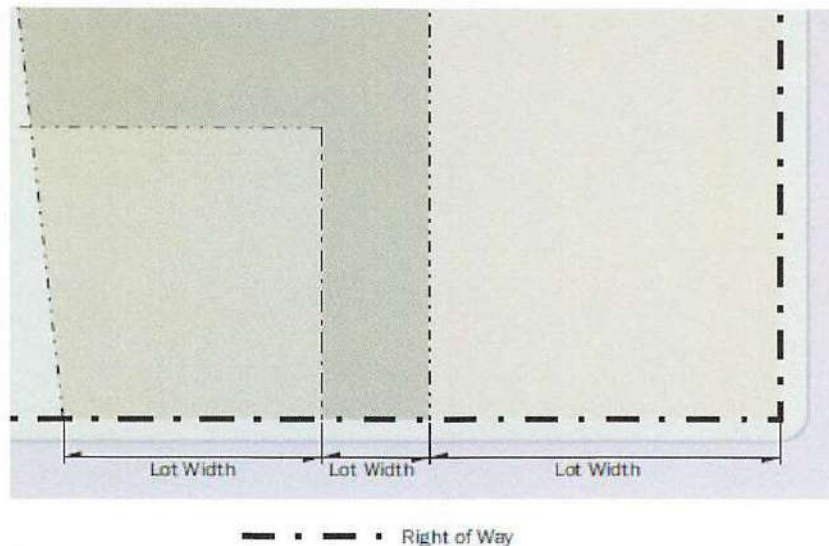
- A. All tracts approved for PD Districts shall be provided with a sewage system meeting the standards of the City Subdivision Ordinance for conveying sewage to the City treatment plant.
- B. Wiring, fixtures, equipment and appurtenances of every electrical wiring system shall be installed and maintained in accordance with applicable codes and regulations for such systems. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below the ground level. Where the underground installation of such facilities is not a standard practice of the utilities involved, the subdivider or developer shall make all arrangements for payments associated with the nonstandard installation.
- C. A system for the storage, collection and disposal of refuse will be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
- D. Natural gas piping systems shall be installed underground and maintained in accordance with applicable codes and regulations governing such systems. Piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas, and shall be in accordance with applicable City codes. Liquefied petroleum gas systems shall not be installed in PD Districts.
- E. Provision for an adequate, safe and potable supply of water shall be made by the owner or agent either through the development of an on-site source or purchase from the City. Each PD development shall have one single commercial water meter from the City, regardless of distribution among the business tenants, unless separate meters are deemed necessary by the public works department.

- F. All water mains shall be six (6) inches or larger to the point of takeoff for any buildings.
- G. Fire hydrants shall be provided by the owner or agent and shall be located so that no structure or portion of structure will be more than 500 feet from the hydrant measured along streets or driveways.
- H. All walls separating business entities shall have a minimum fire resistance rating in accordance with **State codes**.
- I. Each tenant space shall have installed and maintained, by the owner or agent of the planned center, both smoke and heat detection equipment approved by the fire marshal.
- J. All streets and parking lots must be paved, as a minimum, according to City specification, or according to any additional specifications as may be set forth by the public works department in the interest of public safety and convenience. Pervious pavement systems are encouraged as a drainage/sedimentation control mechanism.
- K. All telephone service lines shall be installed underground.
- L. Each tenant space, whether by original design or by subsequent alteration, division or partitioning, that will be open to the public for sales or service, shall have installed separate toilet facilities for men and women in accordance with the laws of the state.
- M. In reviewing the PD District and preliminary and/or development plan, the City Council will consider proposed standards for land uses, maximum height, density, minimum off-street parking and loading, setbacks, site coverage, building spacing, access, screening walls or landscaping, open space, pedestrian ways, public or private streets, alleys, and other development and protective requirements necessary to protect the health, safety and general welfare and to create a reasonable transition from property adjacent to a PD District. Such standards shall be specified in the ordinance establishing the zone, and in the preliminary plan and the development plan. Any PD development proposal shall be submitted to city staff for review of proposed standards at least 15 days prior to presentation of the proposal to the Council.

SECTION 8-6 Measurement and Exceptions

8-6. 01. Lot Width

The minimum lot width of all lots shall be measured from side property line to side property line along the right-of-way of the primary street providing access to the lot. A site's primary, side and service street frontages shall be designated by the Administrator **and/or the City Council**.



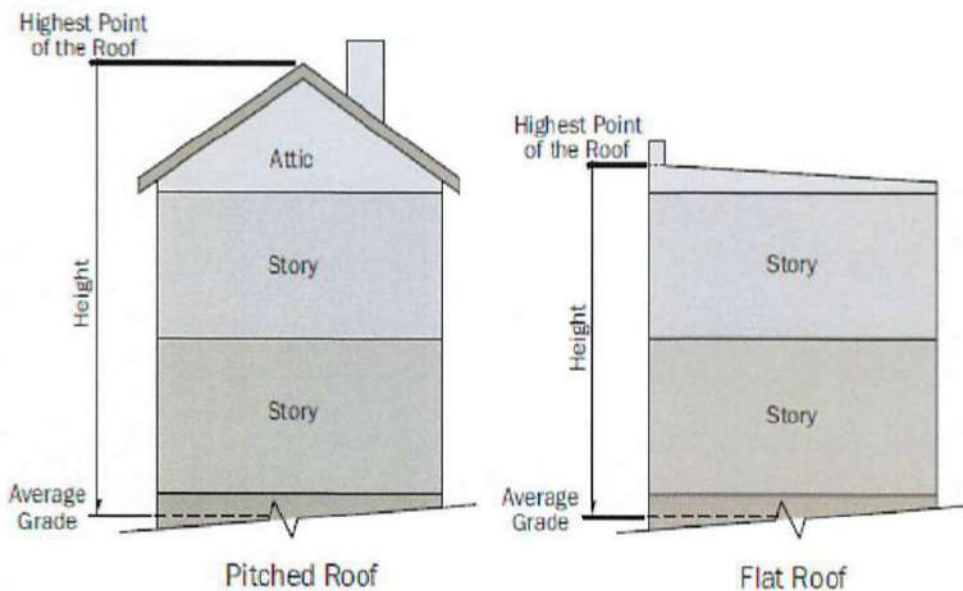
8-6. 02. Setbacks

- A. No part of a setback or other open space required for any structure or use for the purpose of complying with the provisions of this development code may be included as a part of a setback or other open space similarly required for another structure or use.
- B. Front, side street, and parking setbacks are measured from the edge of the right-of-way. Interior side setbacks are measured from the side property line. Rear setbacks are measured from the rear property line or the edge of the right-of-way if there is an alley.
- C. A required setback area shall not be occupied by structures other than fences, walls, and screening permitted by Article 9, Site Development Standards.

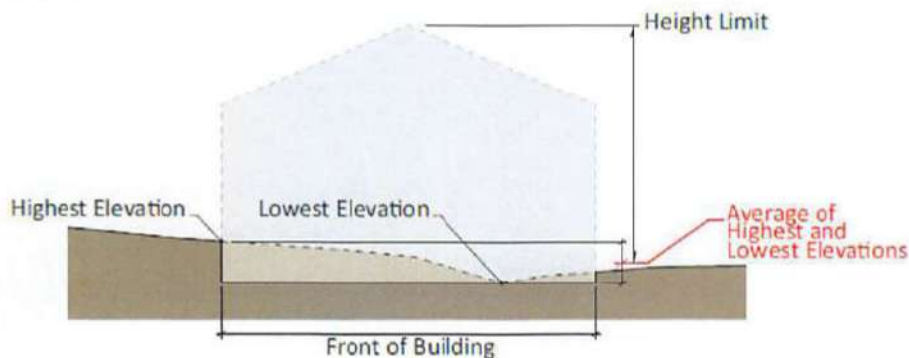
8-6. 03. Height

- A. **Structure Height**
Structure height is measured in both number of stories and feet from the average grade to the top of the highest point of the roof.

A basement with 50 percent or more of its perimeter wall area surrounded by natural grade is not considered a story. An attic is not a story where 50 percent or more of the attic floor area has a clear height of less than 7 1/2 feet; measured from the finished floor to the finished ceiling.



Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the setback line.



B. Exceptions

The following accessory structures may exceed the established height limits, provided they do not exceed the maximum building height by more than 12 feet:

1. Amateur communications tower;
2. Cooling tower;
3. Clerestory;
4. Chimney and vent stack;
5. Elevator penthouse or bulkhead;
6. Flagpole;
7. Mechanical equipment room;
8. Ornamental cupola or dome;
9. Parapet wall, limited to a height of four feet.
10. Roof top deck;
11. Skylights;

12. Solar panels;
13. Spire, belfry;
14. Stairway access to roof;
15. Tank designed to hold liquids shall require a Specific Use Permit and shall be no larger than 2,000 gals capacity;
16. Visual screens surrounding roof mounted mechanical equipment; and
17. Wind turbines and other integrated renewable energy systems shall require a Specific Use Permit.

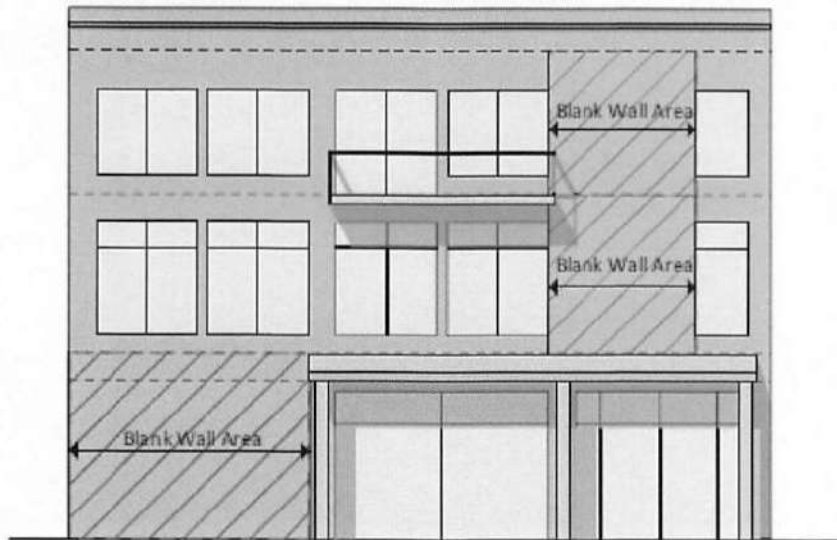
8-6. 04. Transparency

Ground floor transparency (windows and doors) is measured between two and 12 feet above the adjacent sidewalk.

For a mixed use building only, a minimum of 60 percent of the required ground story transparency must allow views into the ground story use for a depth of at least six feet. Windows must be clear, unpainted, or made of similarly treated glass. Neither spandrel glass nor backpainted glass complies with this provision.



- A. Blank wall area is the portion of the exterior façade of a floor of a building, measured parallel to the street, that does not include a substantial material change; windows or doors, display windows, art installations, columns, pilasters or other articulation greater than 12 inches in depth.
- B. Blank wall area applies individually to both ground and upper story street-facing floors from the finished floor to the ceiling above.



ARTICLE 9. SITE DEVELOPMENT STANDARDS

SECTION 9-1 Parking

9-1. 01. Calculation of Ratios

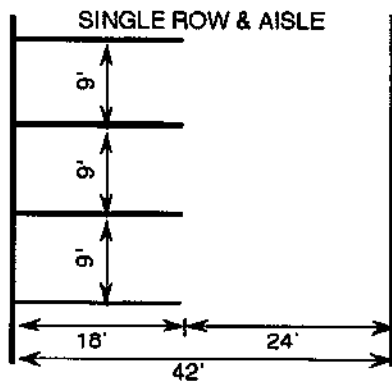
- A. Mixed Uses: Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
- B. Fractional Measurements: Where fractional spaces result, the parking spaces required shall be rounded up to the next highest whole number.
- C. Minimum: The following minimum parking ratios apply to all zoning districts. The applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios.
- D. Maximum: No use shall provide more than 150 percent of the required parking shown in the table below unless any parking above the 150 percent threshold is provided on pervious surface or as underground or structured parking.
- E. Unlisted Uses: The parking space requirements for a use not specifically listed in the table shall be the same as for the listed use deemed most similar to the proposed use by the Administrator.
- F. Credit for On-Street spaces: On-street parking spaces located immediately abutting the subject parcel, lying entirely within the extension of the side lot lines into the roadway and not within any required clear sight distance, may be counted toward meeting these parking requirements

PARKING RATIOS		
	Specific Use	Minimum Parking
Residential		
Household living	Single Family	2.0 per unit
	Accessory dwelling (e.g. garage apartment)	1.0 per unit
	Multifamily (e.g. duplex, apartment)	2.0 per unit
Group living	All uses	1.0 per 400 SF of GFA
Social service	All uses	1.0 per 400 SF of GFA
Public		
Civic	School	1.0 per 400 SF of GFA
	Place of worship	1.0 per 5 seats in main worship space
	All other uses	1.0 per 300 SF of GFA
Parks & open space	All uses	As determined by City Council
Utilities	All uses	1.0 per 500 SF of office GFA
Commercial		
Office	All uses	1.0 per 500 SF of GFA
Medical	Office (e.g. dentist, chiropractor)	1.0 per 300 SF of GFA
Indoor recreation	All uses	1.0 per 300 SF of GFA
Outdoor recreation	All uses	1.0 per 5,000 SF outdoor use area
Overnight lodging	All uses	1.0 per guest room
Personal service	All uses	1.0 per 500 SF of GFA
Restaurant/Bar	All uses	1.0 per 200 SF of GFA
Retail sales	All uses	1.0 per 200 SF of GFA
Industrial		
Heavy industrial	All uses	1.0 per 600 SF GFA (office) + 1.0 per 4,000 SF GFA
Light industrial	All uses	1.0 per 600 SF GFA (office) + 1.0 per 4,000 SF GFA
Research & development	All uses	1.0 per 500 SF of GFA
Self-service storage	All uses	1.0 per 500 SF GFA (non-storage) + 1.0 per every 50 storage units
Vehicle service	All uses	3.0 per bay or 1.0 per 250 SF GFA, as applicable whichever is greater
Warehouse & distribution	All uses	1 per 500 SF GFA office space + 1 per 4,000 SF indoor storage area
Wholesale trade	All uses	1.0 per 500 SF GFA (office) + 1.0 per 4,000 SF of indoor storage

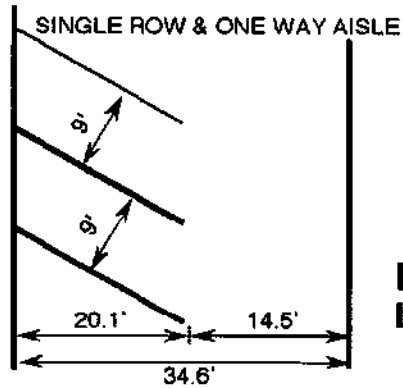
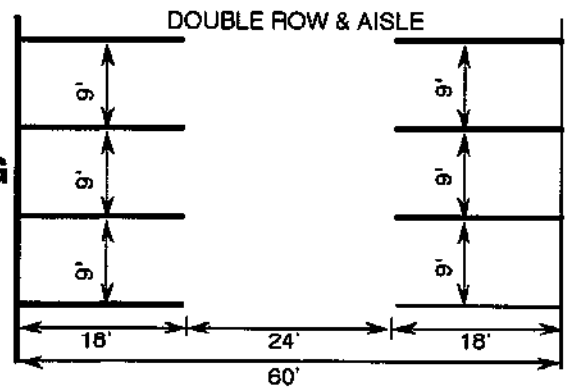
*GFA=Gross Floor Area

9-1.02. Parking Space and Lot Design.

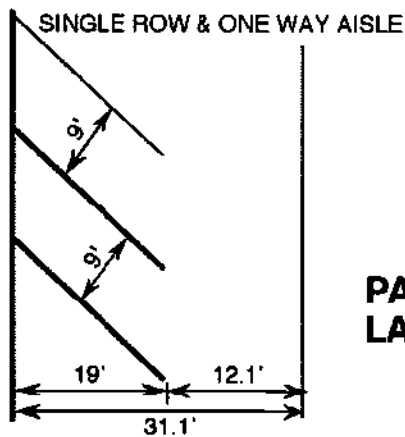
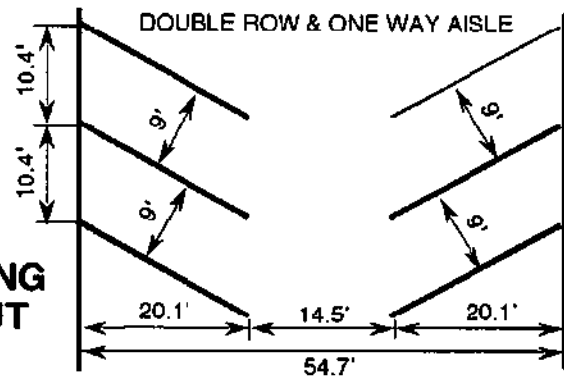
A. Parking Space Dimensions. Required off-street parking spaces shall meet the following dimensions.



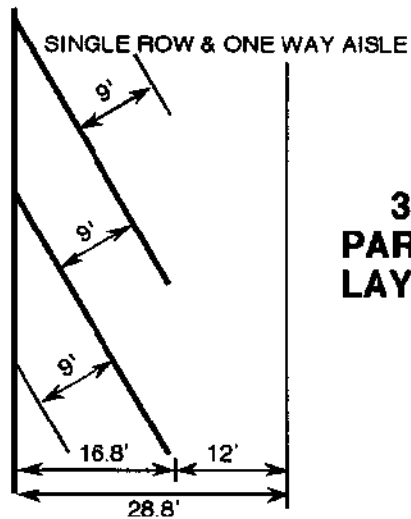
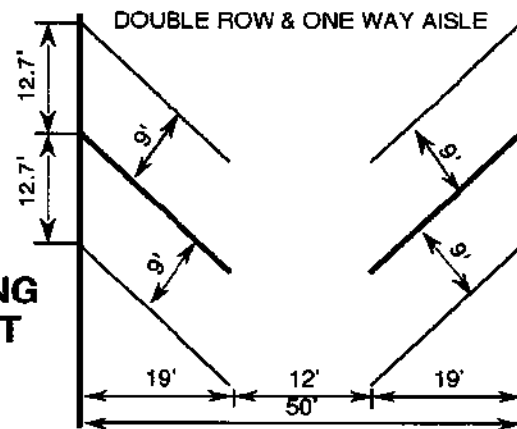
**90°
PARKING
LAYOUT**



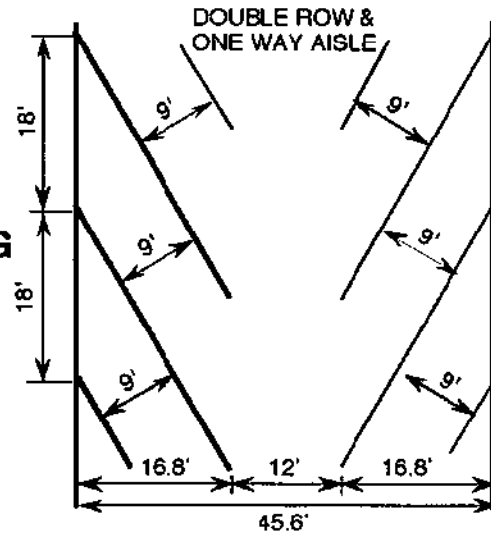
**60°
PARKING
LAYOUT**



**45°
PARKING
LAYOUT**



**30°
PARKING
LAYOUT**



- B. Markings. Each required off-street parking space and off-street parking area shall be identified by surface markings at least four (4) inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. One-way and two-way accesses into required parking facilities shall be identified by directional arrows.
- C. Surfacing and Maintenance. Drives, parking lots, and loading areas shall be paved with concrete, asphalt, crushed limestone, compacted gravel, or equal substitute in all residential, multiple-family, commercial, office, and light industrial sites. All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses shall be paved at all times.

9-1. 03. Alternative Parking Plan. An alternative-parking plan may be approved by the City Council for specific developments that are deemed to require a different amount of parking than shown above. The Zoning Administrator shall establish conditions necessary to insure the adequacy of future on-site parking when approving an alternate parking plan. Any alternative standard shall meet the following criteria below:

- A. The applicant provides a detailed breakdown of his or her parking requirements indicating employee counts, shift distribution and visitor or customer needs.
- B. The applicant provides a site plan showing how additional parking to meet standard requirements would be provided if the use changed or parking needs increase.
- C. In limited cases, off-site parking, shared parking agreements, and reciprocal access and parking agreements may be approved by the City Council.

SECTION 9-2 Fence, Screening, and Wall Standards for all Districts

This Section establishes standards for the screening and separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

9-2. 01. Screening in a residential zone. Fences in the front setback of an R-1 or R-2 or R-3 district shall be no more than 4 feet in height and shall comply with Sections 9-2. 04- 06.

9-2. 02. Screening between different land uses. A commercial or industrial land use proposed on a site adjacent to a zone that allows single family dwellings shall provide screening at the parcel boundary as follows. Other nonresidential uses adjacent to a residential use may also be required by the Planning Commission to comply with these requirements.

- A. The screen shall consist of a solid, decorative wall of masonry or similar durable material, six to eight feet in height. Openings or pedestrian connections may be required at the discretion of the review authority. The decorative wall shall be architecturally treated on both sides, subject to the approval of the Zoning Administrator and/or City Council.

- B. The Planning Commission and/or City Council may approve a substitute for the requirements of this Section if it first determines that:
1. The relationship of the proposed uses make the required screening unnecessary;
 2. The intent of this Section can be successfully met by means of alternative screening methods;
 3. Physical constraints on the site (including the provision of watering screening plants) make the required screening infeasible; or
 4. The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

9-2. 03. Height limits. Each fence or wall shall comply with the height limits shown in the Table below.

Location of Fence or Wall	Maximum Height
Within front or street side setback	4 ft
Within interior or side or rear setback	8 ft*
Outside of a required setback	8 ft*
Corner lots	3 ft, along front and sides of property

9-2. 04. Measurement of fence and wall height. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.

9-2. 05. All fences must be constructed parallel with lot or property lines. All fences adjacent to public street right-of-ways must be maintained in good repair.

9-2. 06. Specific fence and wall requirements.

- A. Outdoor equipment, storage, and work areas. Nonresidential outdoor uses and equipment adjacent to a residential use shall be fenced and/or screened.
- B. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the City's Building Code, regardless of the other requirements of this Section.
- C. Mechanical equipment, loading docks, and refuse areas. Roof or ground mounted mechanical equipment shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
- D. Temporary fencing. Temporary fencing may be necessary to protect historic resources, trees, or other similar sensitive features during site preparation and construction. This fencing shall be approved by the Zoning Administrator.

- E. Prohibited materials. The following fencing materials are prohibited in all zones, with exception to the C-Commercial district, and except where they are required by a State or Federal law or regulation.
 - 1. Razor or concertina wire in conjunction with a fence or wall, or by itself, and chain link fencing within a front or street side setback; and
 - 2. Barbed wire, or electrified fence; except where approved by the Zoning Administrator and/or City Council for animal control.
- F. The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.

ARTICLE 10. HOME OCCUPATIONS

Purpose: The purpose of this section is to permit the conduct of some home occupations within residential districts which are compatible with the neighborhoods in which they are located. Some home occupations are a permitted accessory uses in a residential district and are subject to the requirements of that district in which the use is located, in addition to the following:

10-1. 01. General Provisions

- A. Only the member of the immediate family occupying the dwelling shall be engaged in the home occupation;
- B. The home occupation may be conducted only within the enclosed area of the dwelling unit, garage, or accessory structures. No storage or display of materials, goods, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises;
- C. There shall be no exterior alterations which change the character of the dwelling unit and/or exterior evidence of the home occupation other than those signs permitted in the district;
- D. No use shall create smoke, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use within the district;
- E. The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district;
- F. No home occupation shall cause a significant increase in the use of any utilities, or generate trash or refuse beyond the average of the residences in the neighborhood; and;
- G. No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the premises.

10-1. 02. Use Regulations

- A. The following are examples of uses which can often be conducted within the limits of this section. Uses listed in this section do not automatically qualify as a home occupation, nor does this listing limit the uses which may qualify as home occupations:

1. Accountant;
2. Artist;
3. Author;
4. Barber/Beauty Shop (maximum of 2 chairs);
5. Consultant;
6. Day Nursery (no more than 6 children);
7. Handicrafts;
8. Music/Art Instruction;
9. Notary;
10. Sewing; and
11. Tutor.

B. The following uses are incompatible with residential neighborhood and thereby impair the character of residential areas. Therefore, these uses shall not be permitted as accessory uses in residential districts:

1. Auto Repair;
2. Day Nursery (more than 6 children);
3. Painting/Body-work on Vehicles or Boats;
4. **Commercial** Meat Processing;
5. Animal Boarding/Training;

10-1. 03. Limitations

The City Council shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions may be subject to the provisions of the retail, commercial or industrial zones of this ordinance.

ARTICLE 11. ADDITIONAL REGULATIONS

11-1. 01. Lot Regulations

- A. Lot Area: The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that **the City Council may consider development of a non-conforming lot for a one-family dwelling a lot having less area than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling** and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.
- B. Location of Dwellings and Buildings: Only one (1) main building for one-family and two-family use with permitted accessory buildings may be located upon a lot. More than one (1) main building for multifamily, commercial, or industrial use may be located on a lot or an unplatted tract. Each building shall face or front on a public street, other than alley, and shall have at least one means of access to such street with a minimum width of thirty (30) feet. Whenever two or

more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the City Council so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one (1) building shall be computed as being the open space, yard, or area requirements for any other dwelling or use.

- C. The minimum lot areas only apply to those properties served by public sewer systems. For those properties not served by public sewer systems, compliance with minimum standards established by the State for private sewer systems is required.

11-1. 02. Swimming Pools

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

- A. Permits and Approvals: No swimming pool shall be constructed or used until a swimming pool permit has been issued therefor. No pool use permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.
 - 1. the pool is not located in any required front or side yard setback abutting a street;
 - 2. a wall or fence, six feet (6') in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
 - 3. all lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
 - 4. no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
 - 5. the swimming pool is no closer than eight (8) feet from any property line.

11-1. 03. Radio, Television, Microwave Communications, Amateur, Citizens Band, Satellite and Commercial Antennas

- A. Antenna Support Structures - Commercial - No commercial radio, television, or microwave reflector antenna support structure shall be closer to any residential

district boundary line or any area shown as residential on the current Zoning Map than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.

- B. Antenna Support Structures - Private - The location of all antennas including Amateur Radio, Citizens Band, Television, Microwave Reflectors (Satellite Dishes), their support structures and associated foundations shall be prohibited within any required front yard, except support wires may be located in side or front yards. All antennas must be at least a minimum distance equal to its height from the nearest property line.

11-1. 04. Commercial Activities

All commercial activities in C zones shall be conducted from a permanent structure or building. Any such structures shall be connected to public utilities, where such utilities are reasonably available.

11-1. 05. Building Materials - Commercial and Retail Structures

- A. Vertical exterior surfaces *should* consist of no more than ~~two~~ three primary materials (e.g. masonry and glass, etc). Council review and approval of building materials is required in accordance with Article 15, Site Plan Requirements.
- B. Use of masonry materials (brick, stone, stucco, etc.) will be required upon the vertical surface(s) facing the roadway(s)
- C. Painted, anodized, or non-reflective (e.g. oxidized copper) metal surfaces are permitted only on mansard or other exposed roofs and for parapet walls or screening mechanical equipment.

ARTICLE 12. PLATTING PROPERTY NOT PERMANENTLY ZONED

12-1. 01. The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposal shall have been permanently zoned by the City Council.

12-1. 02. The City Council shall not approve any plat of any subdivision within the area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

12-1. 03. In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its

discretion, act contemporaneously on the matters of permanent zoning and annexation.

ARTICLE 13. CREATION OF BUILDING SITE

13-1. 01. No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- A. The lot or tract is part of a plat of record, properly approved by the City Council and signed by the Mayor, and filed in the Plat Records of Howard County, Texas.
- B. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel without first complying with Paragraph 1 preceding.
- C. The plot or tract is all or part of a site plan officially approved by the City Council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tract or lots must be provided access via a public street or drive.

ARTICLE 14. NON-CONFORMING USES, STRUCTURES AND PARCELS

SECTION 14-1 Non-Conforming Uses Regulated.

14-1. 01. Purpose. The purpose of this section is to make the Ordinance more workable, legal and not to impose unnecessary hardships on individuals who have established certain uses before the enactment of the Zoning Ordinance. Certain privileges are accorded such uses. It is the long-range objective, however, that such uses will ultimately be eliminated by attrition or other means.

14-1. 02. Non-Conforming Uses Established. The lawful use of land or a building existing at the time of passage of this Ordinance or any amendment thereto may be continued, although such use does not conform to all the provisions of this Ordinance, except as hereinafter provided.

14-1. 03. Non-Conforming Use of Land.

- A. General rule. A nonconforming use of land may be continued, including through a transfer of ownership; provided that the use shall not be enlarged or increased, nor be extended to occupy a greater area of land than it lawfully occupied before becoming nonconforming.

- B. Nonconforming use in a conforming structure. A nonconforming land use within a conforming structure may be expanded or replaced with a similar use with approval by the Board of Adjustment as a special exception, as follows:
1. Expansion of use. A nonconforming use within a portion of a structure may be extended throughout the structure; and
 2. Substitution of use. A nonconforming use within a structure may be changed to another nonconforming use of similar type; except that if a nonconforming use is changed to a conforming use, no nonconforming use may be established thereafter.

14-1. 04. Non-Conforming Structure.

- A. Nonresidential or multifamily structure. A nonconforming structure may be enlarged, extended, reconstructed, or relocated on the site as a special exception approved by the Board of Adjustment, if the changes comply with all applicable provisions of this Ordinance; provided that the Board of Adjustment first finds that the additional work is compatible with neighboring uses and would not adversely impact neighboring properties;
- B. Single dwelling. A single dwelling, including its garage, that is nonconforming with respect to setback requirements, height limits, or other development standards may undergo interior modifications in compliance with Building Code requirements without limitation by this Chapter. Exterior modifications that go beyond the prior structure footprint may be allowed as follows:
1. The Zoning Administrator may approve an addition to a nonconforming single-family dwelling where the addition complies with applicable setback requirements and other provisions of this ordinance;
 2. An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed provided the addition is less than 25 percent of the total floor area of the existing structure; and that it complies with Building Code requirements.

14-1. 05. Discontinuance of a Non-Conforming Use. If a non-conforming use of a building or premises is discontinued for a period of one hundred and eighty (180) days or more, the use of such building or premises then must conform to the use regulations of the District in which it is located.

14-1. 06. Damage to Non-Conforming Use. No building or structure which has been damaged by any cause whatsoever to the extent of more than fifty percent (50%) of the fair market value of the building immediately prior to the damage, shall be restored except in conformity with the regulations of this Ordinance, and all rights as a non-conforming use are terminated. If a building or structure is damaged by less than fifty percent (50%) of its fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within six (6) months of the date of such damage.

14-1. 07. Intermittent and Illegal Uses. The occasional, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot. Passage of this ordinance in no way legalizes any illegal use existing at the time of its adoption.

14-1. 08. Discontinuance of Non-Conforming Uses.

- A. Where a premise in any R District is used for open storage, such uses must be discontinued and the stored material removed within one (1) year after the effective date of this Ordinance.
- B. The nonconforming use of building, structure, or land that has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:
 - 1. The intent of the owner to discontinue the use is apparent; or
 - 2. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one hundred and eighty (180) days; or
 - 3. A nonconforming building, structure, or land, or portion thereof, which is, or hereafter, becomes vacant and remains unoccupied for a period of one hundred and eighty (180) days; or
 - 4. A nonconforming use has been replaced by a conforming use.

ARTICLE 15. SITE PLAN REQUIREMENTS

SECTION 15-1 Site Plan Required

15-1. 01. Site plans are required for all new buildings intended as a primary use, and must be approved by action of the Planning and Zoning Commission and/or the City Council before construction. Approved site plans shall be recorded and kept on file by the City with the Building Permit as described in Section 19.

15-1. 02. Major changes in any site plan after approval of the original plan by the City Council shall be processed the same as the original approval of the site plan. The following changes are not considered major changes and may be approved by the Planning and Zoning Commission and/or the City Council without a formal public hearing:

- a) Changes that do not alter the basic relationship of the proposed development to adjacent property;
- b) Changes that retain the character of the development;
- c) Changes that do not significantly alter the uses permitted, or increase the density, setbacks, height, or coverage of the site; and
- d) Changes that do not increase the problems of traffic circulation, safety, or utility requirements.

15-1. 03. Any applicant for a zoning change shall submit a proposed site plan for a zoning change approval of any zoning change from "R-1," or "R-2," to any other

category; and from "C" Commercial or "NS" Neighborhood Services to "I" Industrial, or on any tract of land which meets one or more of the following conditions: 1) Adjacent to any residential district, and/or 2) Greater than two (2) acres in area.

SECTION 15-2 Hearing and Approval

15-2.01. Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance and shall be referenced on the Zoning District Map. Hearings held by the Council for consideration of approval of any such zone change and accompanying site plan shall be conducted in accordance with the amendment provisions of the Ordinance and State law.

15-2.02. Council approval of a site plan required for the issuance of a building permit, in which no zoning change has been requested, shall not constitute an Official Public Hearing. Notice of the consideration of the site plan by the City Council in the posted agenda of the Council shall be sufficient notice for the purposes of approving a site plan by City Council action for the issuance of a building permit.

SECTION 15-3 Form and Content

15-3.01. The Site Plan shall contain the information listed below. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the City Council and the officers required to enforce and to interpret this Ordinance.

- A. The boundary lines and dimensions of the property, existing subdivision lots available, utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.
- B. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations if different from existing elevations. If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet, the site plan must provide detailed information on a proposed grading plan. The proposed grading plan shall include information indicating the drainage and line of sight effect the proposed grading plan will have on the surrounding properties.
- C. Floodplains, watercourses, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
- D. The location and size of existing and proposed permanent and temporary (construction) surface and subsurface drainage facilities, including culverts, drains, and detention pond.
- E. The location and use of all existing and proposed buildings or structures. The minimum distance between buildings and between buildings and the property and street/alley lines. For buildings more than one (1) story in height, elevations and/or perspective drawings may be required in order that the relationship of the buildings to adjacent property, open spaces, and to other features of the

development plan may be determined. Such drawings need only show the height, number of floors and exposures for access, light, and air.

- F. Total number and location of off-street parking and loading spaces.
- G. All points of vehicular ingress and egress and circulation within the property.
- H. Setbacks.
 - I. The type, location, and height of fences or other screening.
- J. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, street address, or common description of the property in the lower right corner of the site plan.
- K. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
- L. All reservations for public uses, including parks, playgrounds, walks, malls, and other open spaces for use by tenants or visitors.
- M. Facilities for waste disposal on other than single-family uses.

SECTION 15-4 Consideration

15-4. 01. In considering, granting, or denying an application for a zoning change and an accompanying site plan as provided for in this Ordinance, the Planning and Zoning Commission and/or the City Council shall take into consideration the following factors:

- A. Compliance with the Zoning Ordinance, the Subdivision Ordinance, and all other ordinances of the City.
- B. Such other measures as will secure and protect public health, safety, morals, and general welfare.

SECTION 15-5 Additional Requirements for Planned Development District (PDs).

15-5. 01. Application

- A. An application for a PD District shall be made to the Planning and Zoning Commission in the same manner that an application for a zoning change is made.
- B. The application shall include a pre-filing review process, as described below, prior to the submission of the site plan.
- C. The zoning for the Planned Development District shall be that shown on the approved site plan and made a part of the adoptive ordinance and include any written special conditions within or attached to the adoptive ordinance.
- D. In addition to the requirements of the Site Plan and as described in this section, the Planning and Zoning Commission and City Council may require additional information related to specific elements of the Planned Development.

15-5. 02. Coordination with subdivision regulations

- A. It is the intent of these guidelines that subdivision review under the subdivision regulations and site plan review be carried out simultaneously with the review of a Planned Development under this section where applicable.
- B. The final development plans required under this section may be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plans required under those regulations.

15-5. 03. Requirements for approval

- A. If the site plan does not incorporate the feedback resulting from the Pre-filing review, the Planning and Zoning Commission and City Council shall require a second pre-filing review process in which the submitted site plan may serve as the new concept plan.
- B. A legal instrument establishing a plan for permanent care and maintenance of any common areas or communally owned facility must be submitted before the site plan will be approved. All such instruments shall be approved by the city attorney as to legal form, and the Planning and Zoning Commission and the City Council as to suitability for the proposed use of the common area.

15-5. 04. Pre-filing Review.

- A. The Purpose of a Pre-filing review is for the developer and local officials to discuss development patterns and develop a concept plan prior to the submittal of a Site Plan. By providing for early discussion between staff and developers regarding planning concerns and city requirements, the Pre-filing Review provides an opportunity to reduce misunderstandings, highlight opportunities, and expedite city approval of the project.
- B. Submission Requirements

The developer should provide to the city secretary at least one week in advance of a scheduled meeting with city staff five (5) copies of two scaled representations described in B(1) and B(2) below. The representations should be in an 11x17 reproducible format and provided in digital format not protected by proprietary copyright. Names, addresses, and phone numbers of the owner(s) of record and of the developer, if different, as well as the contact person or agent shall be printed on the two representations.

1. *Context Map* superimposed on an aerial photograph, USGS topo sheet, FEMA floodplain map, tax map or other published source showing the relationship of the proposed site to natural features and development patterns on properties within one-quarter mile of the development site. A scale shall be shown on the map.
2. *Existing Resources/Site Analysis Plan*: The drawing shall be produced by a physical planner or landscape architect at a scale of 1:100 or 1:200. It shall show all the natural and cultural features located on the property including but not limited to:
 - a. Existing on-site improvements, available utilities, and easements;
 - b. Existing natural features, including but not limited to, significant vegetation and trees, riparian components and other natural drainage features, and topographic features;

- c. Identification of known exceptional topographical, cultural, historical, archeological, hydrological, or any other physical conditions of the property to be developed;
- d. A table identifying proposed land uses, including number of residential lots, non-residential uses and parks and open spaces

ARTICLE 16. ORDINANCE ENFORCEMENT

SECTION 16-1 Assignment of Municipal Agents

It is declared to be the general policy of the City of Coahoma, unless otherwise expressly provided by this ordinance, that its municipal planning functions and responsibilities are distributed and assigned as follows:

16-1. 01. Zoning Administrator. Administration and Enforcement.

- A. An administrative official designated by the City Council shall serve as the Zoning Administrator who shall administer and enforce this ordinance as required. It shall be the duty of the designee to enforce the provisions of this Ordinance and to refuse to issue any permit for any building or for use of any premises which would violate any of the provisions of this Ordinance.
- B. The designee may be provided with the assistance of such other persons as may be needed to enforce the Ordinance.
- C. Appeals from any decision of the Administrator may be taken to the Board of Adjustment as provided in ARTICLE 21.

16-1. 02. Planning and Zoning Commission. Study and make recommendations on policy and amendments to zoning ordinance.

16-1. 03. Board of Adjustment. Appeals and review of administrative decisions.

SECTION 16-2 Site Design Permit.

16-2. 01. No building may be undertaken without a site design permit. Each application for a building, intended as a primary use shall be accompanied by a Site Plan, drawn to scale, showing actual dimensions of the lot to be built upon as shown by a site plan, the size, shape, location and elevation of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plans shall be kept on file in the City Hall. Only site plans that accompany a zoning change request require public notice and hearing prior to City Council approval.

16-2. 02. Inspection. The Permit will be considered pending until City staff or an agent of the City performs a pre-pour inspection of the development site. The inspector will ensure that the site conforms with the design regulations designated in Article 8 of this Ordinance. After inspection, City staff and/or the inspector will indicate on the site design application the site's compliance with this Ordinance and the site design permit will be considered approved.

16-2. 03. Application Fee: A person making application for a site design permit shall pay a fee in an amount determined, and as from time to time amended, by resolution approved by the City Council, a copy of which shall be on file with the City Secretary. The fee will cover the cost of City administration and the inspection.

ARTICLE 17. PLANNING AND ZONING COMMISSION

SECTION 17-1 Commission Created

17-1. 01. The Planning and Zoning Commission, as authorized by state law shall be created by ordinance at the discretion of the City Council. ~~heretofore duly created by ordinance and now performing its authorized duties is hereby perpetuated.~~

17-1. 02. Members. The City Council shall act as the Commission until such time as the City Council appoints a Commission. Members shall serve during their respective terms and until respective successors are appointed. (If the City attains home rule status, it must appoint a Commission.)

17-1. 03. Organization and Rules of Procedure. The members of the Commission shall organize and elect their own officers and shall hold meetings regularly and shall designate the time and place of such meetings. The Commission shall have the power to adopt its own rules of procedure insofar as the same are consistent with the statutes of the State of Texas and the ordinances of the City of Coahoma, and shall keep a written record of all its proceedings. The Zoning Administrator shall have the duty of care, custody and control of all records of the Commission

SECTION 17-2 Powers, Jurisdiction and Scope of Activity of Commission

17-2. 01. The Commission shall procure information and make recommendations to the City Council on the creation or modification of zoning districts.

17-2. 02. The Commission shall serve as a recommending body to the City Council regarding the approval or disapproval of all preliminary, final, and revised plats of land.

17-2. 03. The Commission shall discharge all functions involving city planning and zoning by law, and shall investigate, study, and submit reports and recommendations to the City Council on all such matters as it or the City Council shall deem appropriate and which have any relation to municipal planning or zoning.

ARTICLE 18. BOARD OF ADJUSTMENT

Since state law requires a zoning ordinance to be comprehensive so that the rules are uniform as to each zoning district and not by individual parcels of property, it is

impractical if not impossible to provide for all special or unusual circumstances which may exist when the requirements are applied to a particular piece of property or where the owner would be subject to an unwarranted restriction in the use of his property. In anticipation of such situations the State Zoning Law and this Ordinance make provisions through a Board of Adjustment to take care of certain problems arising out of the application of the regulations.

SECTION 18-1 Organization.

There shall be a Board of Adjustment established and governed by Chapter 211 Texas Statutes Local Government Code, and consisting of five members appointed by the Council, each to be appointed for a term of two years, removable for cause by the appointing authority. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The City Council may appoint up to four alternate members to the board who shall serve in the absence of one or more regular members when requested to do so by the Mayor. The alternate members shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

SECTION 18-2 Powers, Jurisdiction and Scope of Activity of Board

18-2.01. Errors. The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by a City Official in the enforcement of this Ordinance.

18-2.02. Special exceptions. In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of this Ordinance as an instrument for the fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are permitted to the terms of this Ordinance. The following buildings and uses are permitted as special exceptions if the Board finds that, in its opinion as a matter of fact, such exceptions will not substantially and/or adversely affect the uses of adjacent and neighboring property permitted by this Ordinance:

- A. A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.
- B. To waive or reduce the parking requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking, or where such regulations would impose an unreasonable hardship upon the use of the lot.
- C. To grant an extension of time for removal of a non-conforming use under Article 17, Non-Conforming Uses, Structures, and Parcels; provided such extension will not be adverse to the general welfare.

18-2.03. Variances. The Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this Ordinance. The Board of Adjustment

shall be authorized to grant a variance from the terms hereof if, and only if, it finds that the strict enforcement of this Ordinance would create a substantial hardship to the applicant, by virtue of unique special conditions not generally found within the City, and that the granting of the Variance would preserve the spirit and intent of the Ordinance, and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that public health, safety, and welfare may be secured and substantial justice done. The City shall publish and mail public notice in accordance with Texas Local Government Code Chapter 211 and hold a public hearing before the Board of Adjustment rendering a decision on a variance.

18-2.04.

A. Standards for Variance. Board of Adjustment may grant a variance when it has been determined:

1. **Extraordinary Conditions.** That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Ordinance will deprive the applicant of the reasonable use of their land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. **Substantial Detriment.** That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Ordinance.
3. **Other Property.** That these conditions do not generally apply to other property in the vicinity.
4. **Applicant's Actions.** That the conditions are not the result of the applicant's own actions.
5. **General Plan.** That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance.
6. **Utilization.** That because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

B. Insufficient Findings. The following types of possible findings do not constitute sufficient grounds for granting a variance:

1. That the property cannot be used for its highest and best use.
2. That there is a financial or economic hardship.
3. That there is a self-created hardship by the property owner or his or her agent.
4. That the development objectives of the property owner are or shall be frustrated.

C. Attendance at City Council Meeting. The Applicant, or a duly authorized person must attend the public hearing.

D. Limitations. The Board of Adjustment may not grant a variance when the effect of which would be any of the following:

1. To allow the establishment of a use not otherwise permitted in the applicable zoning district.

2. To increase the density of a use above that permitted by the applicable district.
3. To expand a nonconforming residential land use.
4. To change the zoning district boundaries shown on the Official Zoning Map.
5. Profitability Not to Be Considered. The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

SECTION 18-3 Appeal.

18-3. 01. Except as provided by Subsection (C), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

- A. A person aggrieved by the decision; or
- B. Any officer, department, board, or bureau of the municipality affected by the decision.
- C. A member of the governing body of the municipality who serves on the board of adjustment may not bring an appeal under this section.

18-3. 02. Board Action. In exercising the above powers, the Board may reverse or affirm wholly or partially, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, in the interest of the public and the individual affected, and to that end shall have the powers of the Zoning Administrator or Building Inspector from whom the appeal is taken. A written finding of facts, based on testimony and specifying the reason for granting or denying the variation shall accompany every variation granted or denied by the Board. The concurring vote of 75 percent of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Building Inspector, or to decide in favor of the applicant upon any matter which it is required to pass under this Ordinance, or to affect any variation of this Ordinance.

18-3. 03. Judicial Review of Board Decision. Appeals of the Board of Adjustment's decision must be made within ten (10) days to the District Court, County Court, or County Court at law and in accordance with the Texas Local Government Code.

SECTION 18-4 Lapse of Special Exception or Variance.

After the Board has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after expiration of one hundred and eighty (180) days if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of this Ordinance shall thereafter govern. If an action on the application is made by the Board of Adjustment or City Council, no further applications for rezoning on all or part of the subject property may be considered for a period of twelve (12) months unless a waiver is granted by the City Council.

SECTION 18-5 Fees.

Before any action shall be taken on any appeal to the Board necessitating the publication of notices or sending of notices, the appellant shall deposit with the City Secretary a fee set by the City Council to cover the cost and expense relative thereto. Fees may be adjusted as needed.

ARTICLE 19. VIOLATIONS, NOTIFICATION, ENFORCEMENT, PENALTIES, AND REMEDIES

SECTION 19-1 Violations.

19-1. 01. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, begin the excavation thereof, or use any building or land in violation of any regulation in or any provision of this Ordinance, or any amendment thereto lawfully adopted by the Mayor and City Council of Coahoma, or to fail to comply with any lawful requirement or condition imposed by the City Council, or fail to obtain a permit required under this Ordinance.

19-1. 02. All zoning and building permits shall be revocable for failure to comply with all applicable requirements and conditions.

SECTION 19-2 Enforcement.

19-2. 01. In case any building is erected, constructed or reconstructed, altered, repaired or converted, or any building or land is found to be in violation of this ordinance, the Building Inspector, Zoning Administrator, and/or the City Council is authorized and directed to institute any appropriate action to put an end to such violation.

19-2. 02. Right of entry on property. Upon presentation of proper credentials the administrative authority, City Official or agents of the City may enter upon any property, vacant lots, or premises in the City to perform any duty imposed by this Ordinance.

19-2. 03. If the City Official has reason to believe that any of the provisions of this Ordinance are being violated, he/she shall provide or send a written Notice of Violation to the person responsible for such violations.

19-2. 04. Stop Work. In addition, the City Official may issue a Stop Work Order to immediately halt work on a property that is in violation of this Ordinance. Such order may permit limited work to occur that is necessary to stabilize and secure the site.

19-2. 05. If at the conclusion of the time period stated in the Notice of Violation, the violation has not in judgment of the Building Inspector, Zoning Administrator, and/or the City Council been satisfactory corrected, then the Building Inspector, Zoning Administrator, and/or the City Council shall enforce the penalty provisions

of this Ordinance and shall take such other action(s) as are permitted under State law to ensure compliance with this Ordinance. Such action(s) may include, but are not limited to seeking a court injunction to bring about the correction of such violation.

19-2.06. In addition to other enforcement and remedy provisions established by this Section, in case any building is or is proposed to be located, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used, or any land is or is proposed to be used, in violation of this Ordinance as amended, the Mayor and City Council, the City Officials, or any adjacent or neighboring property owner who would be specifically damaged by such violation may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, restrain, correct, or abate such unlawful location, maintenance, or use, to prevent any illegal act, conduct of business or use in or about such premises.

SECTION 19-3 Notification.

19-3.01. Any person found to be violating any provision of this ordinance shall be served, by the City of Coahoma, with written notice stating the nature of the violation and providing a time limit of thirty (30) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct all violations. Failure to obtain the necessary permits for the work and passing inspection may require returning the site to its original state or condition.

19-3.02. Such notice shall require the abatement of such violation or request to schedule a hearing within thirty (30) days of such notice. The hearing shall be held as soon as practicable after the filing of the request. The decision of the City Council after hearing shall be final and, until such decision, the City shall not commence any of the procedures for abating violation. However, if the decision of the City Council is adverse to the person requesting the hearing, then he shall have thirty (30) days from such decision to perform the work himself; and if such work is not performed within such thirty (30) days, the City may then implement its abatement procedures.

19-3.03. The City Secretary shall give the notice of violation:

- A. By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- B. If personal contact cannot be obtained, publication at least once in the local or official newspaper.

19-3.04. If the City mails a notice to a property owner in accordance with this Ordinance, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

SECTION 19-4 Penalties.

19-4. 01. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of misdemeanor. Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Two Thousand Dollars (\$2,000.00) for violations of municipal ordinances that govern fire safety, sanitation (not including vegetation and litter violations), public health or as the Legislature may amend from time to time.

19-4. 02. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who had assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

19-4. 03. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. A culpable mental state is not required for the commission of an offense under this Code of Ordinances unless the provision defining the conduct expressly requires a culpable mental state.

19-4. 04. Notice of such a penalty shall be sent to said owner at their last known address by certified and regular first class mail. Any person violating any of the provisions of this ordinance shall become liable to the City of Coahoma for any expense, loss, or damage occasioned by the City of Coahoma by reason of such violation.

SECTION 19-5 Assessment Of Expenses; Lien

19-5. 01. To obtain a lien against the property, the Mayor or City Official designated by the Mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expenses as a lien against the property upon which the structure is located.

19-5. 02. The lien obtained by the City is security for the fines, expenses and interest accruing at the rate of ten (10) percent per year on the amount due. The lien attaches upon the filing of the lien statement with the county clerk.

19-5. 03. The lien is inferior only to Tax liens.

19-5. 04. The City Council may authorize the city attorney to bring a suit for foreclosure in the name of the City to recover the fines and interest due. In any

civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs.

19-5.05. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

19-5.06. The City Council may authorize the City attorney to foreclose a lien on property.

19-5.07. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs and cleanup or abatement costs. All collections of money from lot owners in payment of charges for statement of violations of this division shall be received by and receipted for by the City Secretary or a duly authorized assistant.

SECTION 19-6 Attorney Authorization.

Notwithstanding any penal provision herein, the City attorney is authorized to file suit on behalf of the City for such injunctive relief as may be necessary to abate such violations whenever any violations as herein defined is found in any place within the City.

ARTICLE 20. SEVERABILITY, CONFLICT, AND VALIDITY

SECTION 20-1 Severability.

If any court of this State or the United States of America shall hold any section, paragraph, sentence, clause, phrase or word contained in this ordinance unconstitutional, the invalidity of such portion of the ordinance shall not be construed to affect any other part of this ordinance.

SECTION 20-2 Conflict with other Ordinances.

This ordinance shall be cumulative of all other ordinances of the City of Coahoma, Texas affecting zoning. All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

SECTION 20-3 Validity.

The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts. This ordinance shall not affect the validity of any deed restriction that is otherwise valid.

ARTICLE 21. DEFINITIONS

SECTION 21-1 Purpose

The purpose of including definitions in this Ordinance is to simplify the working of the Ordinance; and to give the meaning of technical terms; and to eliminate ambiguities. Words that are in common usage are not defined herein, but may be found in a Standard English dictionary.

Words used in the present tense include the future; words in the singular include plural; and words in the plural include the singular. The word "building", includes the word "structure. The word "shall" or the word "must" is mandatory and not discretionary.

SECTION 21-2 Words Defined.

Accessory Use or Building - A use or building subordinate to and detached from the main building, greater than one hundred twenty (120) square feet in floor area, and used for purposes customarily incidental to the primary use of the premises.

Administrator - The administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code as directed by the Coahoma City Council.

Airport or Landing Field - An area improved for the landing or take-off of aircraft approved by the City of Coahoma for operation as an aircraft landing facilities.

Alcoholic Beverage - Any beverage containing more than one-half of one percent alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

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

Animal Feed Lot - A type of animal feeding operation (AFO) which is used in factory farming for finishing livestock, notably beef cattle, but also swine, horses, sheep, turkeys, chickens or ducks, prior to slaughter.

Antenna Support Structure - Any structure, mast, pole, tripod, box frame or otherwise tower utilized for the purpose of transmission, retransmission, or reception of electromagnetic, radio, or microwave signals.

Antique Shop - An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

Apartment - A room or suite of rooms in a multi-family dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.

Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.

Arcade - An establishment in which there are located six or more coin-operated, skill or pleasure machines.

Area of the Lot or Building Site - The area shall be the net area of the lot or site and

shall not include portions of streets and alleys.

Art Gallery or Museum - An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasipublic agency and which facility is open to the general public.

Auto Leasing and Renting - Storage, leasing or renting automobiles, motorcycles, and light load vehicles.

Auto Parking Lot or Garage - An area or structure designed for the parking of motor vehicles.

Auto Parts Sales (In Building) - The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Auto Storage - The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale or distribution or storage.

Automobile - A four-wheeled self-propelled vehicle designed for passenger transportation and commonly propelled by an internal combustion engine.

Automobile Repair Garage - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

Automobile, Repair, Major - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing; those uses listed under "automobile repair, minor"; and other similar use.

Automobile Service Station - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under

Bait Store - The use of any building or premise for the retail sale inside or outside, for the display and sale of fishing supplies, including live bait.

Bank, Savings and Loan, or Credit Union - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Basement - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story when computing building height.

Block - An area enclosed by streets and occupied by or intended for buildings; where this word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

Boarding or Rooming Houses - A building, other than a hotel or multiple family dwelling, where lodging is provided for five (5) or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.

Building - (Same as structure.)

Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwelling, the term "building end" shall mean the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.

Building Inspector - The person charged with the enforcement of the zoning and building codes of the City.

Building Line - A line parallel or approximately parallel to the street line at a specified

distance therefrom constituting the minimum distance from the street line that a building may be erected.

Building Material Sales - The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which is oriented to the retail customer, rather than contractor or wholesale customer.

Camp (For Children) - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities over night or on an extended basis.

Cellar - A building story with more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Certificate of Occupancy and Compliance - An official certificate issued by the City through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.

Church or Rectory - A place of assembly and worship by a recognized religion including without limitation synagogues, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors on the premises.

City Council - The governing body of the City.

Clinic, Medical or Dental - Facilities for examining, consulting and treating patients including offices, laboratories and outpatient facilities, but not including hospital beds and rooms for acute or chronic care.

Club, Private - A club room or suite of rooms or a building available to restricted membership for meetings, dining on premise alcoholic beverage consumption and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreational facilities, none of which are available to the general public.

College or University - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

Commercial Amusement (Indoor) - An amusement enterprise wholly enclosed and operated within an acoustically treated building such as a bowling alley or pool hall.

Commercial Amusement (Outdoor) - An amusement enterprise offering entertainment to general public such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

Community Center (Private) - A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private community center shall not be operated as a place of public meetings or as a business nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.

Community Center (Public) - A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

Convalescent Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

Country Club (Private) - An area of twenty (20) acres or more containing a golf course

and a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Coverage - The percent of a lot or tract covered by the roof or first floor of a building.

Day Nursery - An establishment where children are left for care or training during the day, including a recreational area with or without a building where children engage in supervised training or recreation during a portion of the twenty-four (24) hours of a day.

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

Dwelling, Duplex - A dwelling occupied as the home or residence of two (2) families, under one (1) roof, each occupying a single unit. This includes two-story houses having a complete apartment on each floor and also side-by-side apartments on a single lot that share a common wall.

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

Dwelling, One-Family - A dwelling unit having accommodations for and occupied by not more than one family, or by one family and not more than four (4) boarders and lodgers.

Dwelling, Two-family - A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four (4) boarders or lodgers.

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

Eating Place Without Drive-In or Curb Service - Any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption.

Farm Accessory Building - An accessory structure on a tract qualifying as a farm as herein defined for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary. Animals or poultry sheds or buildings or the animals or poultry shall not be located nearer than fifty feet (50) feet to the bounding property lines of the farm tract.

Fence - A structure at least 3 feet in height.

Fire or Municipal Building - Any public service building of the municipal government including a library or City hall, but excluding storage yards, utility shops and equipment centers.

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

Flea Market - A collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.

Floor Area - The total square feet of floor space within the outside dimensions of a

building including each floor level, but not excluding cellars, carports, garages or porches.

Gallery - A shaded awning projecting from the building facade and supported by columns. Double Gallery is a gallery located on two stories.

Garden or Orchard (Commercial) - An area of more than one (1) acre used for growing of usual farm products, vegetables, fruits, trees and/or grain.

Garden or Orchard (Non-Commercial) - An area of one (1) acre or less which is used for growing of usual farm products, vegetables, fruits, trees and/or grain.

Golf Course (Commercial) - A golf course, privately owned but open to the public for a fee and operated as a commercial venture.

Gross Floor Area: The total floor area inside the building envelope, including the external walls, and excluding the roof.

Ground Floor Elevation - The height of the ground floor above the adjacent sidewalk, curb or street. Ground story elevation is measured from natural or improved grade (whichever is more restrictive) to the finished floor of the ground floor. Grade is measured continuously across a lot. A ground floor elevation is stipulated in relation to privacy desired from the street.

Group Living - Use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes dormitories, residence halls, and boarding houses.

Guest House (Detached) - A permanent secondary structure on a lot or tract containing dwelling accommodations and intended for the temporary occupancy by guests and not for rent or permanent occupancy.

Hazardous Waste - Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency (USEPA) or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to Federal or State law.

Height- Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the setback line.

Heliport or Helistop - A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft and subject to approval by the City of Coahoma.

Home for Aged, Residence - A home where elderly people are provided with lodging and meals without nursing care being primary function.

Home Occupation - Any occupation or activity involving the conduct of a business which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory structure by an immediate member of a family residing on the premises.

Home Owner Association (HOA): A community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, amenities or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and nonresidential developments.

Hospital (General Acute Care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

Hospital (Chronic Care) - An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas.

Institution for Alcohol, Narcotic or Psychiatric Patients - An institution offering resident or outpatient treatment to alcoholic, narcotic or psychiatric patients.

Kennel - A shelter for dogs; also a doghouse, run or other small structure in which a dog is kept.

Kennel, Boarding - A place where dogs are housed temporarily for a fee

Kennel, Breeding - A formal establishment for the propagation of purebred dogs, whether or not the animals are actually housed in a separate shed, the garage, a state-of-the-art facility, or the family dwelling.

Kindergarten or Nursery School - A school for children of preschool age, the work of which is purely preliminary to the work of the public school, and which contemplates a planned program of games, songs, social exercises and object lessons.

Library, Art Gallery or Museum (Public) - Any institution for the loan or display of books, 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 public.

Light Fabrication and Assembly Processes - The fabrication, assembly or manufacture of products, including but not limited to jewelry, trimming decorations, signs, and similar items, which does not involve generation of noise, odor, vibration, dust or hazard.

Living Unit - The room or rooms occupied by a family and which includes cooking facilities.

Livestock - Cows, calves, bulls, horses, ponies, mules, donkeys, sheep or lamb, goats, and llamas or similar large animal.

Local Utility Line - The usual electric power, telephone, gas, water, sewer, and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.

Lodging House - A building where lodging for five (5) or more persons is provided in exchange for compensation.

Lot Coverage - The percentage of the total area of a lot occupied by the base (first story of floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building.

Lot Depth - The mean distance between the front and rear lot lines.

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

Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Howard County; or a parcel of land, the deed for which is recorded in the office of the county clerk of Howard County prior to the adoption of this ordinance.

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

Lot Width - The width of a lot at the front building lines.

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

Manufactured Home (HUD Code) - One single-family house constructed in a factory and built to the federal Manufactured Home Construction and Safety Standards. A

manufactured home may be moved again after its initial installation on the home site or in a manufactured home park. A Manufactured Home may not be used in a manner other than for residential use. One manufactured home per lot is allowed.

Manufacturing Processes - Uses restricted from other zoning districts but permitted in the Industrial District under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.

Manufactured Home Park - A tract or parcel of land used to accommodate more than one manufactured home unit and accessory structures as a semi-permanent place of residence.

Masonry Material - Refers to material used in the construction of structures including brick, stone, concrete block, concrete tilt-up walls, or other materials using mortar or cement as a bonding agent.

Minor Automobile Repair - Vehicles which are inoperative or are being repaired may not remain parked outside an Automobile Service station for a period greater than seven days.

Mobile Home - Means a structure constructed prior to June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 (forty) body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Modular (Industrialized) Home - A "modular home" or "industrialized home" is a factory-built home designed for long-term residential use, and which is transported to a site and installed as a permanent structure that is not designed to be moved again after it is installed on its permanent foundation. Multi-section units are typically transported to the site and installed. Sections may include windows, doors, wiring, plumbing, and outside siding, and are transported to the site and assembled.

Motel or Hotel - A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six (6) or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.

Non-conforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto and which does not conform to the use regulations of the district in which it is situated.

Nursing Home or Residence Home for Aged - A place of 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.

Occupancy - The use or intended use of the land or buildings by proprietors or tenants.

Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

On-Premise - A place where alcoholic beverages, including beer, wine or mixed drinks, are sold for consumption on the premises with or without food. Live entertainment may be provided and dancing permitted subject to other applicable city ordinances.

Packages Sales (Alcoholic Beverages) - Package sales refer to the sale of alcoholic beverages, of all types, in unbroken original containers on or off a premises-at retail to consumers for off-premises consumption only and not for the purpose of resale.

Park or Playground (Public) - An open recreation facility or park owned and operated by a public agency such as the City of Coahoma or the School Board and available to the general public for neighborhood use but not involving lighted athletic fields for nighttime play.

Parking Lot or Structure, Commercial (Auto) - An area or structure devoted to the parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an integral function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

Planning and Zoning Commission - A five (5) member commission appointed by the City Council for terms of two (2) years as an advisory body which is authorized to recommend changes in the zoning ordinance and make recommendations regarding future development or redevelopment. According to state law, the City Council may serve as the Planning and Zoning Commission.

Plant Nursery or Greenhouse - Retail or wholesale sales of plant materials and supplies either enclosed in a building, bath house, or in the open and with related storage of equipment for landscape contracting.

Playfield or Stadium (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.

Poultry - Any chicken, duck, turkey, goose, guineafowl, pigeon, peacock, or other similar animal commonly classified as poultry.

Private Club - See Club, Private.

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

Private School - An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.

Private Utility (Franchised) - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Coahoma.

Public Building, Shop or Yard of Local, State or Federal Agency - Facilities such as office buildings, other than City Hall, Library, Police or Fire Station, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center or Experiment Station.

Radio, Television or Microwave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.

Radio, TV and Appliance Repair - A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.

Recreational Vehicle: Travel trailer, pick-up camper, converted bus, tent-trailer, motor

home, camping trailer, or similar vehicular dwelling used for travel vacation, or recreational purposes. These are not permitted for primary use in any zone in the City.

Recreational Vehicle Park: A campground for day use and overnight accommodations by RVs or camper vehicles on licensed basis.

Residence - Same as dwelling; when used with district, an area of residential regulations.

Residential Zoning District - Any zoning district included in this ordinance in which residential uses constitute the primary permitted use classification, including the "R-1", "R-2", "MF", and "R-3" District classifications.

Restaurant or Cafeteria - A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house where food is served as for pay and for consumption in the building, as a drive through, and/or where provisions may be made for serving food on the premises outside the building.

Retail Shop, Apparel, Gift, Accessory and Similar Items - Small retail shops such as dress shops or gift shops serving specific neighborhood areas as differentiated from department stores or discount stores having community wide service importance.

School, Business - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

School, Commercial, Trade or Craft - A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

School, Public or Denominational - A school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

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.

Sexually Oriented Business - See Appendix 1 of the zoning ordinance for definitions and development standards pertaining to sexually oriented businesses.

Sign - An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on premises.

Single Family Dwelling (Attached) - A building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family and which is attached by one or more common wall(s) to another similar single family dwelling unit. An attached dwelling shall be designed to permit separation from an adjoining dwelling in the event either dwelling is caused to be removed.

Single Family Dwelling (Detached) - A detached building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family.

Street - A public thoroughfare which affords principal means of access to abutting property.

Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way.

Story - The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

Structural Alterations - Any change in the supporting member of a building, such as a

bearing wall, column, beams or girders.

Structure - Anything, other than a fence constructed or erected, which requires permanent location on the ground or attached to something having permanent location on the ground.

Studio: Art, Music, Ceramics, Drama, Speech, Dance and Similar Skills - A building or rooms in a building used for instructing, coaching or counseling in drama, speech dance or similar personal skills or arts.

Swimming Instruction as a Home Occupation - The teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a Specific Use Permit which may specify operating conditions and standards and may limit the number of students and operating time.

Swimming Pool (Commercial) - A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming Pool (Home) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.

Telephone Exchange, Switching and Transmitting Equipment Only - A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.

Temporary Field or Construction Office - Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

Tennis Court, Private - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.

Thoroughfare - (Same as Street).

Two Family Dwelling (Duplex) - A single detached building located on a platted lot or building site designed for and occupied by not more than two (2) families.

Usable Open Space - Area including in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Wrecking or Auto Salvage Yard - A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant materials.

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

Yard, Rear - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

Yard, Side - An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.

Zoning Administrator - The City Secretary or another Council appointed individual.

Zoning Board of Adjustment - A five (5) member board appointed by the City Council for terms of two (2) years whose function is to hear cases where a citizen is not satisfied with a decision made concerning a zoning issue. According to state law, the City Council may serve as the Zoning Board of Adjustment.

Zoning District Map - The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this ordinance.

Zoo (Private) - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee for the promotion of some other enterprise.

Zoo (Public) - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.