



New 2018

- Legend**
- Subdivision Names**
 - Blocks
 - Extent of Extraterritorial Jurisdiction
 - 1/2 Mile
 - City Limit
 - Unbuilt Right of Way
 - Lots
 - Railroad
 - Water
 - Zoning Districts**
 - "A" - Agricultural District
 - "C" - Commercial District
 - "I" - Industrial District
 - "NS" - Neighborhood Service District
 - "R-1" Residential - 1 District
 - "R-2" Residential - 2 District
 - "R-3" Residential - 3 District
 - "PD" - Planned Development District

City of Coahoma
Howard County, Texas

Zoning Map
June 2018

1 inch = 300 feet

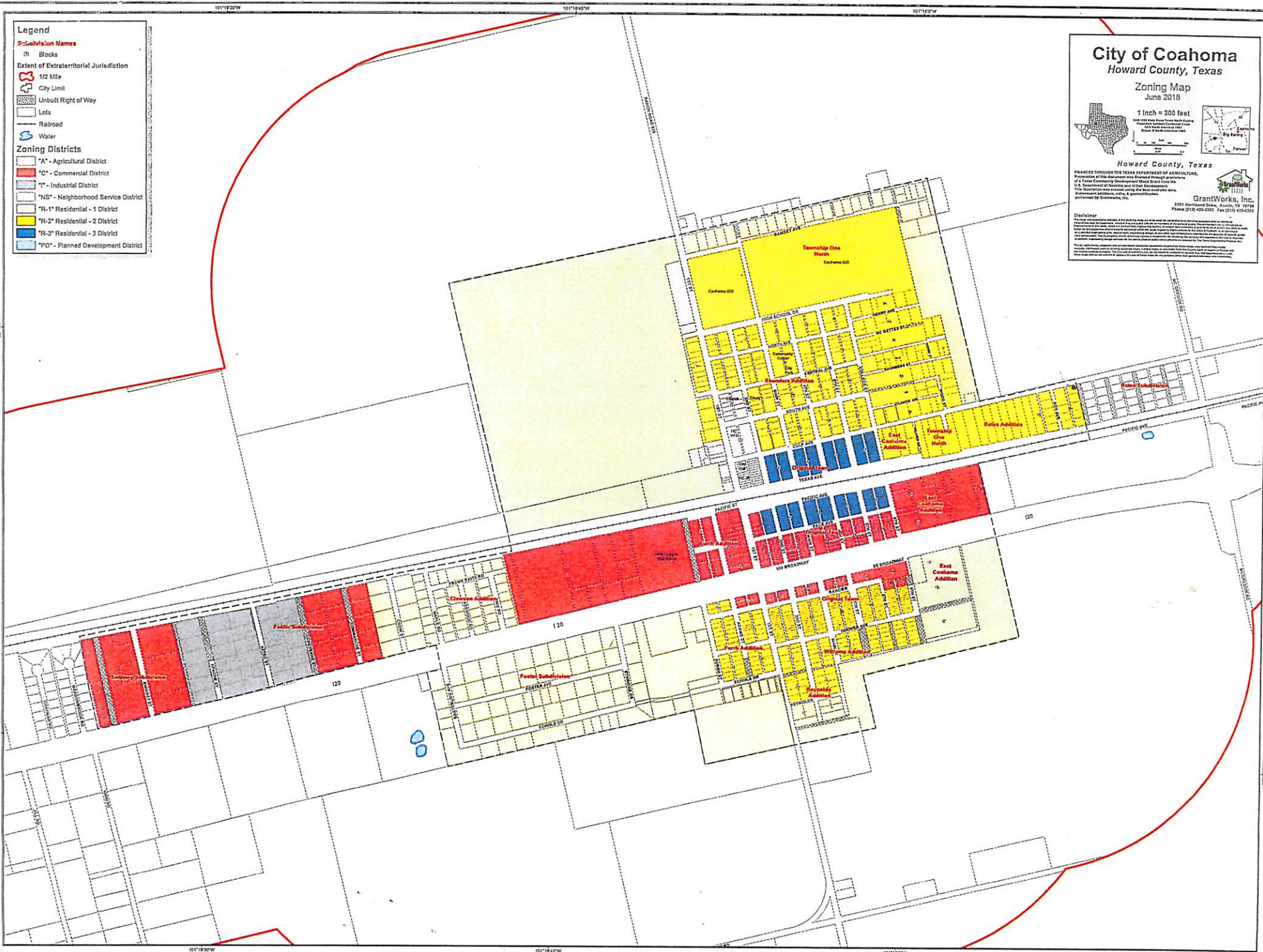



HOWARD COUNTY, TEXAS

FINANCED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE
PROCESSED BY THE AGRICULTURE AND FORESTRY DIVISION
OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT UNDER THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THIS DISTRICT MAP WAS REVISED USING THE BEST AVAILABLE DATA.
SUBSEQUENT ADDITIONS, DELETIONS, & MODIFICATIONS
PERFORMED BY GrantWorks, Inc.

GrantWorks, Inc.
2325 HAWKINS DRIVE, AUSTIN, TX 78748
PHONE (512) 420-2302 FAX (512) 420-2302

Disclaimer
The City of Coahoma and GrantWorks, Inc. do not warrant the accuracy of the information shown on this map. The City of Coahoma and GrantWorks, Inc. are not responsible for any errors or omissions on this map. The City of Coahoma and GrantWorks, Inc. are not responsible for any damages, including consequential damages, arising from the use of this map. The City of Coahoma and GrantWorks, Inc. are not responsible for any actions taken based on the information shown on this map. The City of Coahoma and GrantWorks, Inc. are not responsible for any actions taken based on the information shown on this map.



ORDINANCE NO. 151

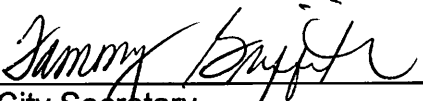
COAHOMA ZONING ORDINANCE

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; TO PROVIDE FOR CHANGES AND AMENDMENTS, TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING A SEVERABILITY CLAUSE.

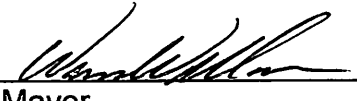
NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COAHOMA, TEXAS THAT THE FOLLOWING PROVISIONS SHALL CONSTITUTE THE COAHOMA ZONING ORDINANCE AND THAT THIS ORDINANCE SHALL REPEAL ORDINANCE 94 AND IS EFFECTIVE AS OF THE DATE BELOW:

PASSED, APPROVED AND ADOPTED THIS THE 18th day of March, 2021.

Attest:



City Secretary
City of Coahoma, Texas



Mayor
City of Coahoma, Texas



Table of Contents

ARTICLE 1. PURPOSE	4
ARTICLE 2. ZONING DISTRICTS ESTABLISHED	4
ARTICLE 3. ZONING DISTRICT MAP	6
ARTICLE 4. ZONING DISTRICT BOUNDARIES.....	6
ARTICLE 5. TEMPORARY ZONING-ANNEXED TERRITORY.....	7
ARTICLE 6. COMPLIANCE REQUIRED	8
ARTICLE 7. USE OF LAND AND BUILDINGS.....	8
SECTION 7-1 Permitted Use Table	9
SECTION 7-2 Changes and Amendments	13
SECTION 7-3 Temporary Use Permits.	14
SECTION 7-4 Specific Use Permits (“SUP”)	15
ARTICLE 8. SETBACKS AND DEVELOPMENT STANDARDS.....	17
SECTION 8-1 Agricultural District	17
SECTION 8-2 Residential Districts.....	18
SECTION 8-3 Commercial and Neighborhood Service Districts.....	20
SECTION 8-4 Industrial District	21
SECTION 8-5 Planned Development Overlay	23
SECTION 8-6 Measurement and Exceptions.....	24
ARTICLE 9. PARKING AND SCREENING STANDARDS.....	27
SECTION 9-1 Parking	27
SECTION 9-2 Fence, Screening, and Wall Standards for all Districts	29
ARTICLE 10. HOME OCCUPATIONS.....	31
ARTICLE 11. ADDITIONAL REGULATIONS.....	32
ARTICLE 12. PLATTING PROPERTY NOT PERMANENTLY ZONED	34
ARTICLE 13. CREATION OF BUILDING SITE.....	34
ARTICLE 14. NON-CONFORMING USES, STRUCTURES AND PARCELS	34
SECTION 14-1 Non-Conforming Uses Regulated.....	37
ARTICLE 15. COORDINATION WITH SUBDIVISION REGULATIONS.....	39
SECTION 15-1 Coordination with Subdivision Regulations.....	39
ARTICLE 16. ORDINANCE ENFORCEMENT.....	39
SECTION 16-1 Assignment of Municipal Agents.....	39
SECTION 16-2 Site Design Permit.	40
ARTICLE 17. VIOLATIONS, NOTIFICATION, ENFORCEMENT, PENALTIES, AND REMEDIES.....	40
SECTION 17-1 Violations.	46
SECTION 17-2 Enforcement.....	40
SECTION 17-3 Notification.....	41
SECTION 17-4 Penalties.	42
SECTION 17-5 Assessment of Expenses; Lien	42
SECTION 17-6 Attorney Authorization.	43
ARTICLE 18. SEVERABILITY, CONFLICT, AND VALIDITY.....	49
SECTION 18-1 Severability.....	43
SECTION 18-2 Conflict with other Ordinances.	43
SECTION 18-3 Validity.	44

ARTICLE 19. DEFINITIONS..... 44
SECTION 19-1 Purpose..... 44
SECTION 19-2 Definitions 44

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. These Regulations 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 conserve the value of buildings and encourage 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.

<u>ABBREVIATED DESIGNATION</u>	<u>ZONING DISTRICT NAME</u>
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

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 utilized for these purposes. The minimum lot size shall be 2 acres. 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 zoning change. A residence or agriculture use in this District may include accessory uses and buildings. No more than one main residence is permitted on a lot with the exception that a Specific Use Permit may be approved by the City Council for an Accessory Dwelling, or Guest House. No HUD Code Manufactured Homes or Mobile Homes are allowed.

Residential-1: The R-1 District requires a minimum lot of 10,000 square feet. Typical density will have between two (2) and four (4) dwellings per acre. No more than one main

residence is permitted on a lot with the exception that a Specific Use Permit may be approved by the City Council for an Accessory Dwelling, or Guest House. A residence in buildings; no accessory use or building may be completed or installed prior to the completion of a main building. No HUD Code Manufactured Homes or Mobile Homes are allowed. No modular homes are allowed.

Residential-2: The R-2 District requires a minimum lot of 5,000 square feet. Typical density will have between four (4) and eight (8) dwellings per acre. No more than one main residence is permitted on a lot with the exception that a Specific Use Permit may be approved by the City Council for an Accessory Dwelling, or Guest House. Attached dwellings (duplex, triplex and quadplex) are also permitted. Attached dwellings with more than 4 units may be permitted after granting of a Specific Use Permit by the City Council. A residence in this District may include accessory uses and buildings; no accessory use or building may be completed or installed prior to the completion of a main building. No HUD Code Manufactured Homes or Mobile Homes are allowed.

Residential-3: The R-3 District requires a minimum lot of 5,000 square feet. Typical density will have between four (4) and eight (8) dwellings per acre. No more than one main residence is permitted on a lot with the exception that a Specific Use Permit may be approved by the City Council for an Accessory Dwelling, or Guest House. Attached dwellings (duplex, triplex and quadplex) are also permitted. Attached dwellings with more than 4 units may be permitted after granting of a Specific Use Permit by the City Council. A residence in this District may include accessory uses and buildings; no accessory use or building may be completed or installed prior to the completion of a main building. The R-3 district permits manufactured housing (HUD Code only) but no Mobile Homes.

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. Minimum lot size in this district is 6,000 square feet.

Commercial District: This is the standard commercial district for 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. Minimum lot size in this district is 8,000 square feet.

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. Minimum lot size in this district is 8,000 square feet.

2-1. 03. Overlay Districts

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 or coordination with Howard County 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.

Planned Development Overlay: A Planned Development is a zoning tool that a property developer may request the City Council to approve. The Planned Development is an overlay zoning subject to the uses and development standards of one or more underlying zoning districts. It 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, and/or a combination of uses not enabled in any other single district. Setbacks and building heights may also be amended in a Planned Development subject to City Council approval of an ordinance and site plan governing the development.

ARTICLE 3. ZONING DISTRICT MAP

The boundaries of the zoning districts set out herein are delineated upon the existing 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.

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.
- 4.8 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.
- 4.9 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 locate 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 zoning ordinance and site plan

Blank space designates prohibited in district indicated

	A	R-1	R-2	R-3	C	NS	I	PD
Agricultural Uses								
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							△	*
Mobil Home (pre-1976)								
Apartment or Boarding House (5 or more units)			△	△	■	△		*
Group Living	■	■	■			△		*
Hotel/Motel					■			*
Modular Home			■	■				
Accessory Dwelling	△	△	△	△				
Public Uses								
Cemetery, Mausoleum, or Crematorium	■				△		△	*

College or University					△		△	*
Park or Playground	■	■	■	■	■	■	■	*
Public administration and community center					■			*
Public safety, fire, police, and emergency services					■	■	■	*
Religious institutions and fraternal organizations	■	△	△		■	■		*
School (public or private, including day care)	△	△	△		■	■		*
Minor utilities (e.g. on-site storm water 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					△			
Alcohol Beverage Sales for Off-Premise Consumption					△			
Antique Shop, Art Gallery or Museum					■	■		
Bakery/Confectionary Shop (Retail)					■	■		*
Bakery/Confectionary Shop (Wholesale)					■			*
Beauty, Barber, or Other Personal Service Shop - 2 Chair		△	△	△	■	■		*
Beer, Liquor, and Wine Distributor								
Commercial Amusement - Indoor					■			
Commercial Amusement - Outdoor					■		■	
Convalescent Home					■	■		
Convenience Store with Gas					■		■	*
Convenience Store without Gas								
Day Nursery or Child Care					■	■		*
Drug Store					■	■		
Flea Market indoor or open air							■	
Grocery Store					■	△		*
Grocery Store with Alcohol Sales					■			
Kennels and Stables	■	△			△		■	*

Indoor Recreation					■	△	■	*
Laundry/Coin-operated or Dry Cleaning					■		■	*
Medical Office, hospital, or clinic					■	■	■	*
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)					■	■	■	*
Pawn Shop							■	
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, equipment rental, auto and large equipment sales					■	■		*
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 space)							■	*
Natural Resource Storage and Extraction							△	*
Auto and large equipment service and washing							■	*
Warehousing, freight and storage, including equipment rental and storage							■	*
Welding or Machine Shop							■	*
Wholesale trade					△		■	*

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.*

7-1. 01. New and Unlisted Uses. It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to locate in the City

of Coahoma. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted land use shall be made as follows:

- (a) The Zoning Administrator shall refer the question concerning any new or unlisted land use to the City Council requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (b) The City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or zoning districts within which such use shall be permitted.
- (c) The City Council shall by approve the addition of the new and unlisted uses into the City's zoning ordinance in a similar manner as a zone change following a required public hearing and State law.

7-1.02. Conditions and Regulations for Certain 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. Mobile homes as defined in Tex. Rev. Civ. Stat. Ann. art. 5221f, § 3(17) are not permitted within the City of Coahoma.
- B. Childcare facility license required. Any childcare 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.
- C. 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. Changes and Amendments

7-2.01. Authority.

The City Council may from time to time be made to amend, supplement, or change by ordinance the boundaries of the districts or the regulations established herein.

7-2.02. Application.

(a) *Initiation.* Amendment may be initiated by the City Council or by application of one or more owners of property.

(b) *Application fee.* Each application by a property owner shall be accompanied by a fee, as established by the City Council, to cover administrative and processing costs.

(c) *Accompanying data.* An application for a zoning amendment shall be accompanied by an accurate legal description of the property. Maps, site plans where applicable, drawings and any data necessary to illustrate the proposed amendment may also be utilized by the applicant(s).

7-2.03. Public hearing before City Council.

(a) *Generally.* Upon filing of the application for rezoning of property, the City Council shall call a public hearing on the application as provided in this section.

(b) *Notice when application made by property owner.* Written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within 200 feet of the property on which the change in classification is proposed. Such notice shall be given not less than fifteen days before the date set for the hearing to all such owners who appear on the last approved city tax roll. Such notice may be served by depositing the notice, properly addressed and postage paid, in the city post office. Failure of owners to receive notice of the hearing shall in no way affect the validity of action taken.

(c) *Notice when amendment requested by City Council.* Notice of such hearing when the amendment is requested by the City Council shall be given by publication in the official publication of the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.

(d) *Protest of Amendment.* If a protest against an amendment to these regulations is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent thereof extending 200 feet as described in (b) and (c) above, such amendment shall not become effective except by the favorable vote of three-fourths of all the members present of the city council.

(e) *Effect of denial of application.* If an application for an amendment to these regulations is denied by the City Council, the application shall not be eligible for reconsideration for one year following such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, to be eligible for consideration within one year of the denial of the original application.

(f) *Appeal of City Council denial of application.* Any appeal of a City Council decision shall be through to a Court of competent jurisdiction.

SECTION 7-2 .03 Consideration

7-2 .03. In considering, granting, or denying an application for a zoning change and an accompanying site plan as provided for in this Ordinance, 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 7-3 Temporary Use Permits.

7-3.01. 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 nor zoning changes when made under the conditions herein provided.

7-3. 02. Permitted Uses

Temporary Use	Districts
<p>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.</p>	<p>All</p>
<p>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.</p>	<p>All "R" Districts</p>

<p>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 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.</p>	<p>All</p>
<p>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.</p>	<p>C, I or NS District</p>
<p>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.</p>	<p>A, R-1, R-2</p>

7-3.03. Application for Temporary Use Permit.

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

7-3.04. Application Fee

The application fee shall be as prescribed by the most recently adopted City Fee schedule.

SECTION 7-4. Specific Use Permits (“SUP”)

7-4.01. 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 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.

7-4.02. Specific Use Permits and the districts in which they may be authorized are listed in Article 7, Table 7-1: Permitted Uses, and are designated in the Permitted Use Table with the Δ symbol.

7-4.03. Application for Specific Use Permit

The applicant for a Specific Use Permit must present a request to the City’s Zoning Administrator in the same manner as described in Section 7-2.02 and shall be subject to all of the requirements contained in Section 7-2.03. After public notice and hearing pursuant to

State law and as described in 7-2 herein, the City Council may grant the permit including the imposition of conditions of use which it may deem essential to insure that the Specific Use Permit 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.

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

7-4. 04. Criteria for Granting a Specific Use Permit.

- A. In reaching a decision on any application for a Specific Use, the 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 Permit will allow 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 applicant; and
- E. That the Specific Use Permit will be wholly compatible with the use and permitted development of adjacent properties to protect and maintain the stability of the community.

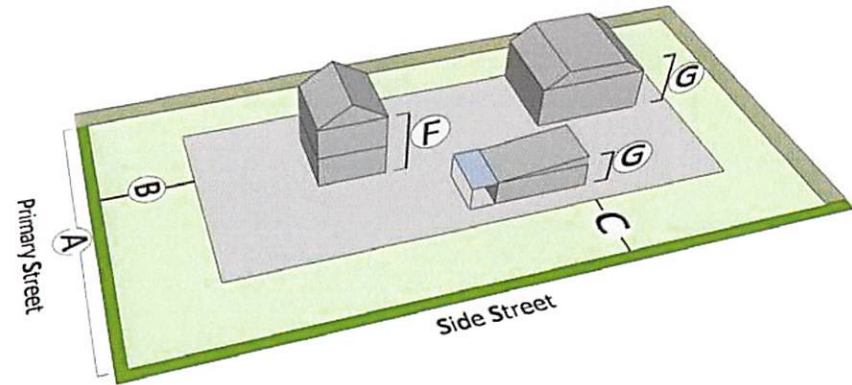
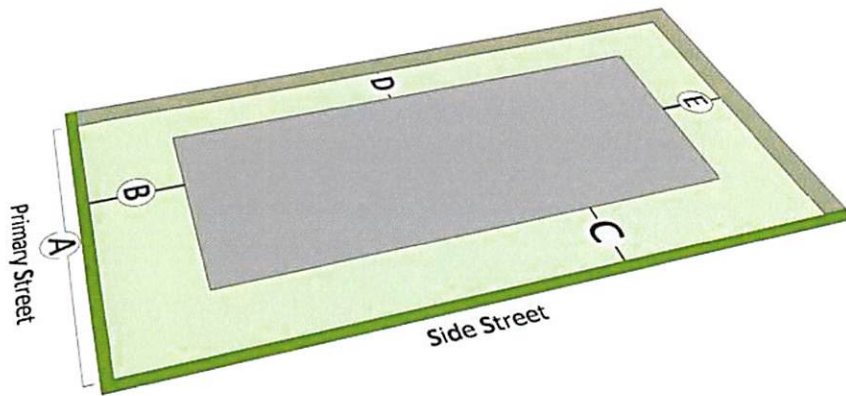
7-4. 05. Additional Development Standards. The Council may require, in addition to the specified conditions, such reasonable development standards as deemed necessary for the protection of the immediate properties and the neighborhood of the application. Such recommendations may include utilities, drainage, landscaping, lighting, sign location, screenings, fences, access ways, curb cuts, driveway location, height, and setback of buildings.

7-4. 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.

ARTICLE 8. SETBACKS AND DEVELOPMENT 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 a total building coverage not exceeding 35%.

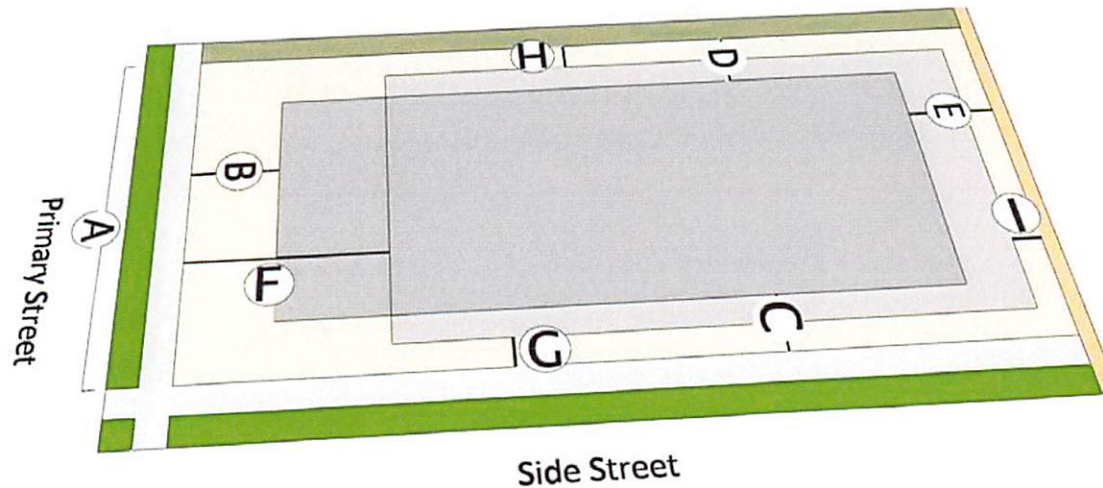


District:		A
Lot		
	Area (min acres)	2
(A)	Width (min)	200'
Structure Setbacks		
(B)	Front (min)	35'
(C)	Side, street (min)	15'
(D)	Side, interior (min)	10'
(E)	Rear (min)	30'

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

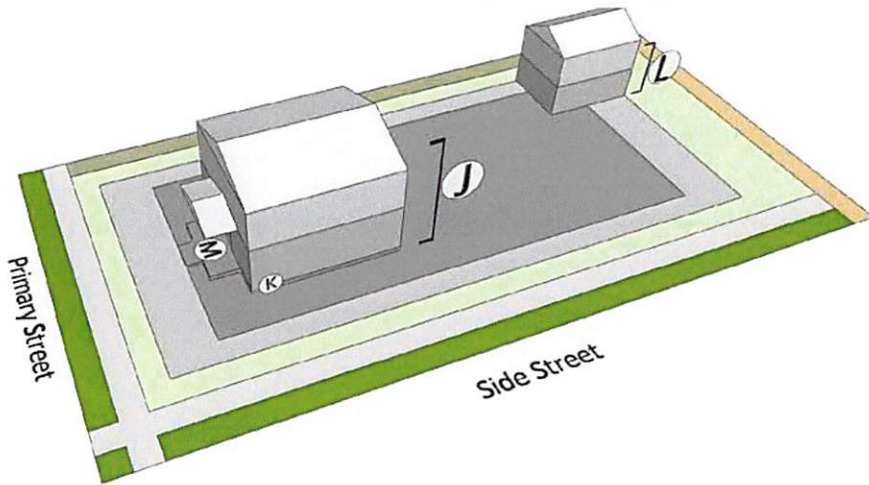
District containing one principal dwelling unit typically located on a single lot with private yards on all four sides. Also includes modular or manufactured homes.



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

<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'

Residential Districts including Apartments (SUP approval)

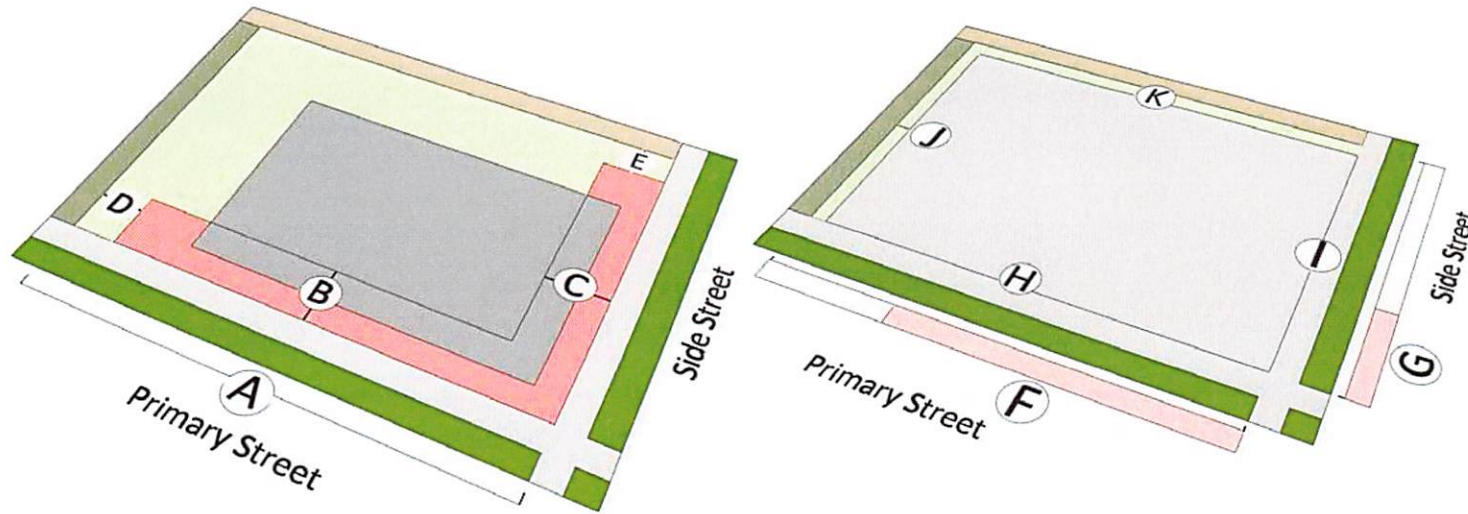


District:		R-1	R-2	R-3
Principal Structure Height				
(J)	Stories (max)	2	2	1
(J)	Feet (max)	35'	35'	15'
(K)	Ground story elevation (min)	12"	12"	12"
Accessory Structure Height				
(L)	Stories (max)	2	2	1
(L)	Feet (max)	25'	25'	15'
Building Entrance				
(M)	Street facing entrance required	yes	yes	yes

District:		R-1	R-2	R-3
Building Materials Meet Building Code				
(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.

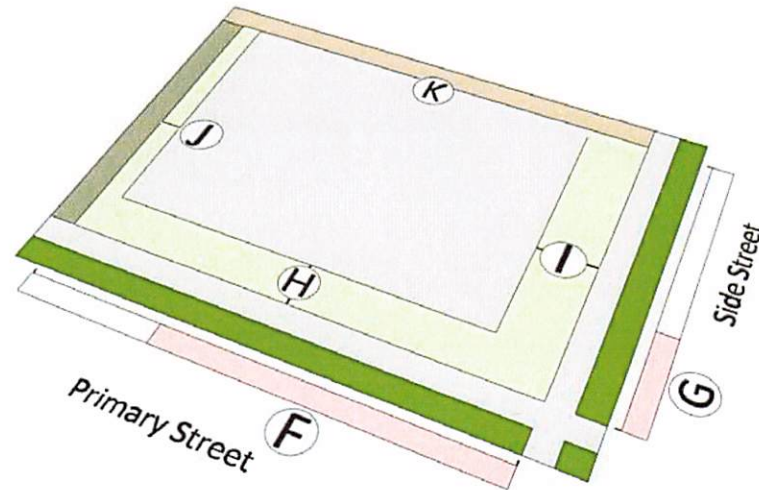
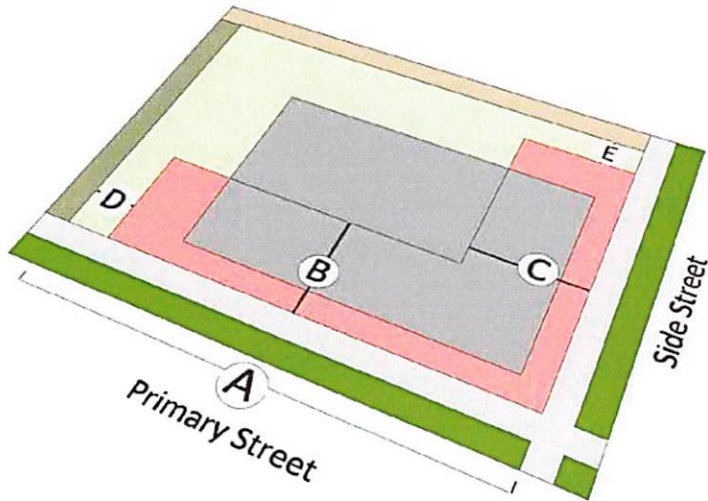


District:	C	NS
Lot		
Area (min SF)	8,000	6,000
Building Setbacks		
(A) Primary street (min/max)*	0'/20'	0'/10'
(C) Side street (min)	10'	0'
(D) Setback abutting R district (min)	30'	20'
(D) Setback abutting any other district (min)	5'	10'
(E) Setback abutting alley (min)	5'	10'

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'

SECTION 8-4 Industrial District

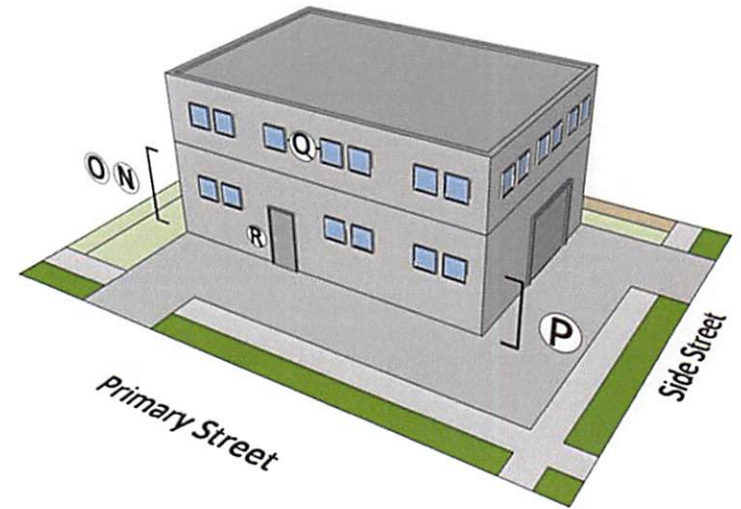
Buildings intended primarily for industrial, manufacturing and employment uses. To the extent possible, building entrances should face the street. Ground floor transparency is limited due to the intensive nature of the work inside. May include bay doors for vehicles.



District:	I
Lot	
Area (min SF)	8,000
(A) Width (min)	100'
Building Setbacks	
(B) Primary street (min)	40'
(C) Side street (min)	30'
(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 Materials Must meet Building Code		



SECTION 8-5 Planned Development Overlay

8-5. 01. Purpose. The PD Overlay allows for the creative master planning of developments larger than three (3) acres. A PD District may be used to permit new or innovative concepts in land use not permitted in the City's adopted zoning districts. The PD overlay district may be used 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, 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 overlay zoning of a PD District shall be subject to the use and development standards of one or more underlying zoning districts. All requests to the City Council for a PD overlay zone shall include a site plan to be approved and made a part of the adoptive ordinance. The ordinance granting a PD 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 overlay zoning, along with any conditions or limitations deemed appropriate for the specified uses.

8-5. 03. Site layout and project design standards.

- A. The minimum acreage for a PD request shall be three (3) acres.
- B. Each PD Overlay zoning shall establish regulations deemed necessary and appropriate for the development of the property and the protection of neighboring properties. These regulations may include, but are not limited to, the following:
 - 1. Front, side, and rear yard setback requirements;
 - 2. Minimum lot width, depth, and area requirements;

right-of-way if there is an alley.

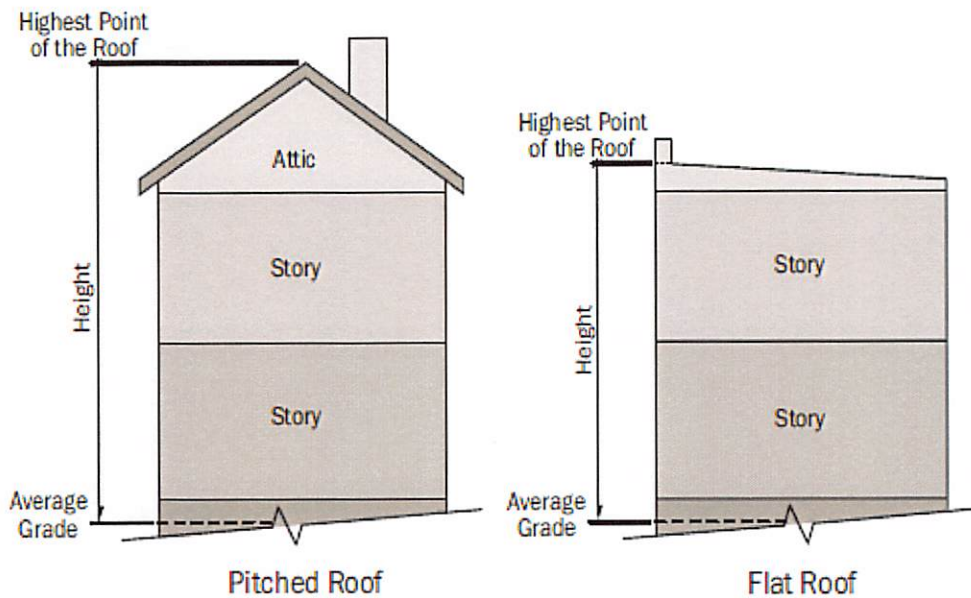
- C. A required setback area shall not be occupied by structures other than fences, walls, and other screening as may be required by the City Council when considering approval of Specific Use Permits or Planned Development Overlay zones.

8-6.03. Height

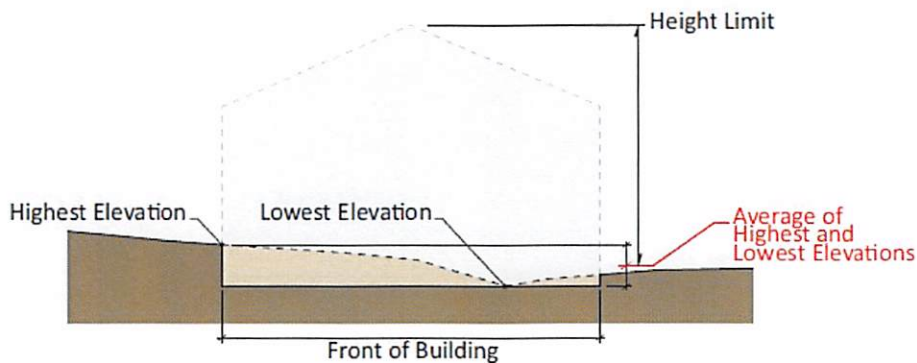
A. Structure Height

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.

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 twelve (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.

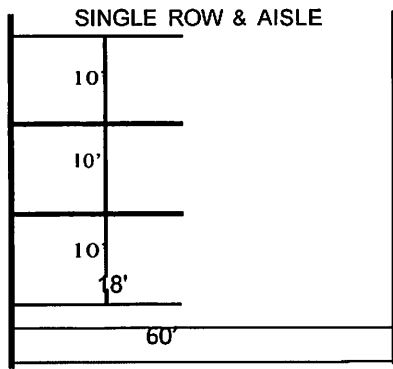
ARTICLE 9. PARKING AND SCREENING STANDARDS

PARKING RATIOS		
	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	Residential Tx. Human Res Code Ch123	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

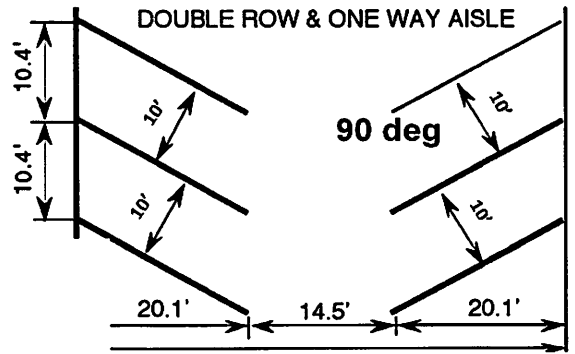
*GFA=Gross Floor Area

9-1. 02. Parking Space and Lot Design.

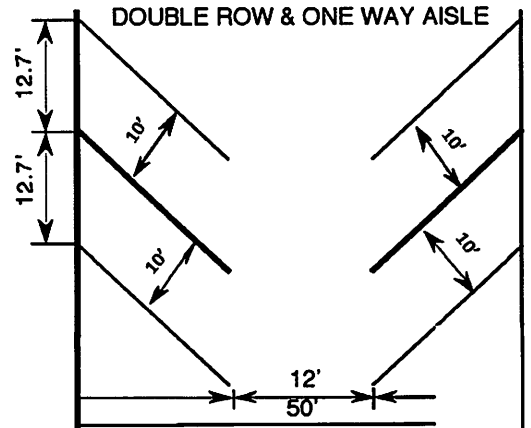
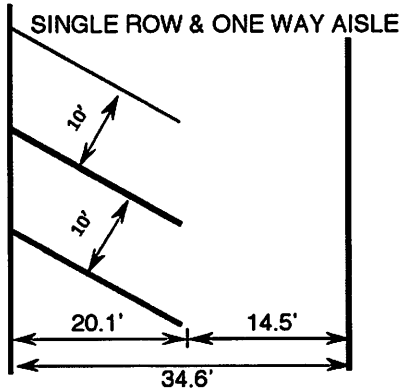
- A. Parking Space Dimensions. Required off-street parking spaces shall meet the following dimensions. All parking spaces shall have a minimum size of 10' by 18'.



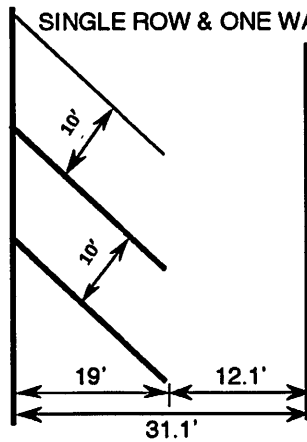
PARKING LAYOUT



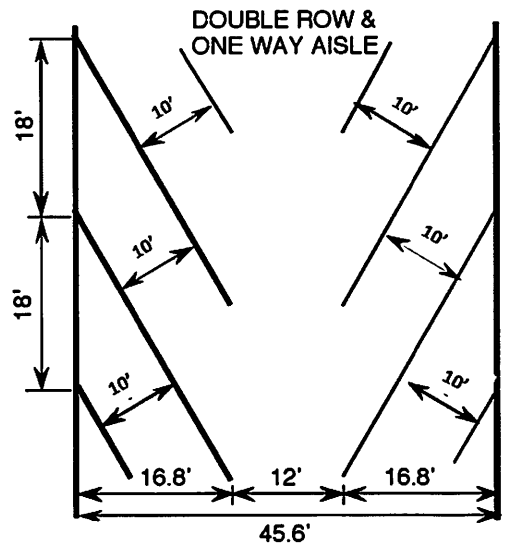
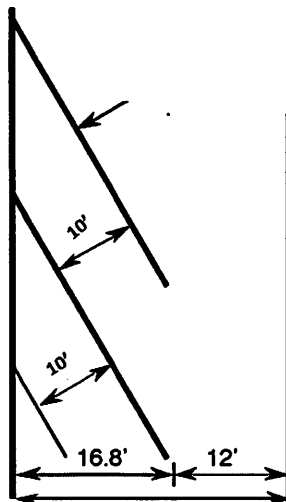
Typical Single ROW and AISLE



SINGLE ROW & ONE WAY AISLE



45 and 60° PARKING



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 industrial sites. Any development with access from a state road must obtain a driveway permit and shall comply with the driveway materials as authorized by TxDOT.

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.

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. Front yard screening in a residential zone. Fences in the front yard setback of an R-1, R-2, or R-3 district shall be no more than 3 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.

- A. The screen shall consist of a solid, decorative wall of masonry or similar durable material, six to eight feet in height.
- B. The 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	3 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-way 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 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, except within a carport. 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 or as shown in G below;
- 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 or home occupations in residential districts:

1. Auto Repair;
2. Day Nursery (more than 6 children);
3. Painting/Body-work on Vehicles or Boats;
4. 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 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 platted lot or 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.
- 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. A swimming pool is an accessory use and shall only be permitted when incidental to other permitted main uses. A public pool on city-owned property is exempt.
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 the 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 Commercial zoned properties 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

Buildings in Commercial and Neighborhood Service zoned properties shall meet the City's building code requirements.

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.

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 lot or tract faces upon a dedicated street.
- C. The lot 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.

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.

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 City Council, if the changes comply with all applicable provisions of this Ordinance; provided that the City Council first finds that the additional work is compatible with neighboring uses and would not adversely impact neighboring properties;

B. Single family 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. COORDINATION WITH SUBDIVISION REGULATIONS

15-1.01. 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 Overlay or other development in the city where applicable.
- B. No certificate of occupancy shall be provided by the City until it has been determined that the use of the property conforms with these zoning regulations.

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.

16-1.02. Inspection. The Permit will be considered pending until City staff or an agent of the City performs an inspection of the development site. The inspector will ensure that the site conforms with these zoning regulations. After inspection, City staff and/or the inspector will indicate that the site's compliance with this Ordinance is considered approved.

16-1.03. 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. VIOLATIONS, NOTIFICATION, ENFORCEMENT, PENALTIES, AND REMEDIES

SECTION 17-1 Violations.

17-1.01. 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.

17-1.02. All zoning and building permits shall be revocable for failure to comply with all applicable requirements and conditions.

SECTION 17-2 Enforcement.

17-2.01. 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.

17-2.02. 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.

17-2.03. 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.

17-2.04. 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.

17-2.05. 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.

17-2. 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 17-3 Notification.

17-3. 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.

17-3. 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.

17-3. 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.

17-3. 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 17-4 Penalties.

17-4. 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.

19-7. 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.

19-7. 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.

19-7. 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 17-5 Assessment of Expenses; Lien

17-5. 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.

17-5. 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.

17-5. 03. The lien is inferior only to Tax liens.

17-5. 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.

17-5. 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.

17-5. 06. The City Council may authorize the City attorney to foreclose a lien on property.

17-5. 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 17-6 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 18. SEVERABILITY, CONFLICT, AND VALIDITY

SECTION 18-1 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 18-2 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 18-3 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 19. DEFINITIONS

SECTION 19-1 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 19-2 Definitions.

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. May be used as a secondary dwelling with a SUP.

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.

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.

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.

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 quasi-public 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 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 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

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.

Boarding House - 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 Setback 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.

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.

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 or Nursing Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age whether services are considered temporary or long term.

Country Club (Private or Public) - 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.

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

Day Nursery or Childcare Center- 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 five or more dwelling units or apartments or which is occupied as a home or place of residence by 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.

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.

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.

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) see Accessory Use or Building - 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.

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.

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 or other small animals 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.

Livestock- Cows, calves, bulls, horses, ponies, mules, donkeys, sheep or lamb, goats, and llamas or similar large animal, but not including pigs which are prohibited in the city limits.

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. These are permitted by SUP only.

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. These homes are prohibited in the City of Coahoma.

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 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.

Pawn Shop - A business licensed by the Texas Consumer Credit Commissioner under Chapter 371, Finance Code. It is a shop or business which loans money to people who bring in valuable items which they leave with the pawn broker for an agreed period of time.

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.

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 TxDOT 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. These may be permitted with approval of a SUP only.

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", 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 Goods 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.

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.

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.

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 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.

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.

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.

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 lot line.

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

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.