

ZONING ORDINANCE**CITY OF TATUM, TEXAS****ORDINANCE NO. 2013-04**

AN ORDINANCE ESTABLISHING ZONING DISTRICTS AND LAND USE REGULATIONS; ADOPTING A NEW ZONING MAP; REGULATING THE SIZE AND USE OF BUILDINGS AND LOTS THAT MAY BE OCCUPIED; ESTABLISHING PARKING REQUIREMENTS; PROVIDING FOR THE ISSUANCE OF SPECIFIC USE PERMITS; REGULATING HOME OCCUPATIONS; REQUIRING OFF-STREET PARKING AND LOADING; PROVIDING FOR SCREENING; REGULATING SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR THE CLASSIFICATION OF NEW AND UNLISTED USES; REGULATING NON-CONFORMING USES; PROVIDING FOR AMENDMENTS TO THE ZONING ORDINANCE; PROVIDING FOR THE CREATION, APPOINTMENT AND DUTIES OF THE BOARD OF ADJUSTMENTS; PROVIDING FOR THE CREATION, APPOINTMENT AND DUTIES OF THE PLANNING AND ZONING COMMISSION; PRESERVING RIGHTS IN PENDING LITIGATION UNDER EXISTING ORDINANCES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF EACH SECTION, PARAGRAPH, SENTENCE, CLAUSE AND PHRASE OF THE ZONING ORDINANCE; PROVIDING FOR FEES AND GENERAL PENALTY FOR VIOLATIONS NOT TO EXCEEDS \$2,000.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City of Tatum is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance; and

Whereas, the City of Tatum has given appropriate and reasonable consideration to the zoning regulations and districts most appropriate for the City; and

Whereas, the City Council of the City of Tatum has duly held public hearings and given proper notice pertaining to the adoption of this zoning ordinance; and

Whereas, the Tatum City Council finds that the zoning ordinance represents the best interest of all citizens of Tatum and promotes the public health, safety and welfare of the people.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TATUM, TEXAS:

SECTION 1. TITLE AND PURPOSE

This ordinance, together with all subsequent amendments thereto, shall hereby be referred to as the "Zoning Ordinance of the City of Tatum, Texas".

This ordinance is prepared under the authority of V.T.C.A. Local Government Code, Chapter 211, to promote health, safety, morals, and for the general welfare of the community. These zoning regulations are made in accordance with the spirit of the city comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the general welfare of the community; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These

regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 2. ADMINISTRATION

A. ADMINISTRATION

The city secretary is hereby designated by the City Council as the Zoning Administrative official to supervise the administration and enforcement of these regulations. The City Council may appoint other individuals to assist the Zoning Administrator with the general administration and enforcement duties required for the implementation of this zoning ordinance.

It is the intent of this ordinance that the duties of the administrative official shall include:

1. Review all zoning request for amendments, appeals, specific uses, and variances.
2. See that property owners within two hundred feet (200') of any property on which a change in zoning regulations or district boundaries are notified by mail. Such notice shall be given, not less than ten (10) days before the day set for hearing.
3. Prepare copies of zoning material for public hearings to the Planning and Zoning Commission, Zoning Board of Adjustment, and City Council and serve as their support staff in zoning matters.
4. Present zoning application and specific use permit request to the Planning and Zoning Commission and City Council during public hearings.
5. Keep the Zoning District Map updated as district boundaries and specific uses and overlay zones are approved by the City Council.
6. Notify in writing action taken by the City Council, Planning and Zoning Commission and Zoning Board of Adjustment to the appropriate property owner or owners to their zoning request.
7. If the city Zoning Administrator or his or her designated administrative official finds that any of the provisions of this ordinance are being violated, the Zoning Administrator or the designated administrative official shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator or the designated administrative official shall order the discontinuance of any illegal use of land, buildings or structures, the removal of any illegal buildings or structures or of any illegal additions, alterations or structural changes, the discontinuance of any illegal work being performed; or shall take any other action authorized by the ordinance to insure compliance with or to prevent violation of these provisions.

B. INTERPRETATION AND APPEALS

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator or the designated representative, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administration or other administrative official, and that recourse from the decisions of the board of adjustment shall be to the courts as provided by law.

C. CITY COUNCIL DUTIES

The City Council shall consider and adopt, modify, or reject proposed amendments to this ordinance, or of its repeal. In addition, the City Council shall establish a schedule of fees and charges as stated in subsection D herebelow.

D. FEES

The City Council shall, by ordinance or resolution, establish a schedule of fees and charges for permits, certificates of occupancy, zoning change requests, planning and zoning commission appeals and other matters pertaining to this ordinance. The schedule of fees and charges may be altered or amended only by action of the City Council. Until all applicable fees and charges have been paid in full, no action shall be taken on any zoning application or appeal.

E. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- 1 No building permit shall be issued by the City of Tatum for any structure unless the structure conforms to the provisions of this ordinance.
- 2 A certificate of occupancy shall be required for any building which is hereafter erected, changed, converted or altered in its use or structure. Application for this certificate of occupancy shall be made at the same time as the application for a required building permit. The certificate of occupancy shall not be issued unless the building or land conforms to the requirements of this ordinance.

~~Use or occupancy or allowing the use or occupancy of such a building without having obtained a certificate of occupancy as required herein shall be deemed a violation of this ordinance and that be punishable by fine.~~

- 3 Should the owner or occupant of a non-conforming building or use desire to change, alter, enlarge, or otherwise modify the non-conforming building or use, he or she shall be required to:
 - a. file an affidavit with the city stating that such building or land occupied by the non-conforming building or use was, to the best of the owner or occupant's knowledge, in lawful use and lawfully existing as of the date of adoption of this ordinance. Said affidavit shall include a statement providing the basis for the person's knowledge of the statement made; and
 - b. submit an application and certification that the non-conforming building or use was in existence as of the date of adoption of this ordinance, the city may issue a certificate of occupancy for the lawful non-conforming building or use in accordance with the rules and requirements for such issuance.
- 4 Any person denied a certificate of occupancy under these provisions shall have the right to appeal the decision to the Board of Adjustment. Use or occupancy or allowing the use or occupancy of such a building without having obtained a certificate of occupancy as required herein shall be deemed a violation of this ordinance and shall be punishable by fine.
- 5 A temporary certificate of occupancy may be issued by the city for a period not exceeding three (3) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
- 6 Building permits and/or certificates of occupancy, issued on the basis of plans and applications approved by the City of Tatum authorize only that specific use, structural arrangement, or construction as set forth in such approved plans and applications. Any other use, arrangement, or construction shall be deemed a violation of this ordinance and shall be punishable by fine. The City of Tatum shall maintain a public record of all certificates of occupancy.
- 7 Whenever a building permit or certificate of occupancy has been granted in error by an administrative official of the City of Tatum, the permit or certificate may be voided by the City Council. Prior to such action by the City Council, the affected party shall be given an opportunity in a hearing before the City Council to show why such permit or certificate should not be voided. Notice of such hearing shall be served upon the affected party at least ten (10) days prior to such hearing by personal service or by mailing such notice by certified mail, prepaid, return receipt requested, to his or her address as it appeared in the application filed for the building permit or certificate of occupancy. The City Council shall give due consideration to the arguments of the affected party in determining whether to void the building permit or certificate of occupancy and shall render its decision after hearing and considering all such arguments.

SECTION 3. ZONING DISTRICT MAP

A. OFFICIAL ZONING MAP

The city is hereby divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted and declared to be a part of this zoning ordinance. This map shall be kept on file in the office of the city secretary and shall be available for public inspection during regular office hours. The official zoning map shall be identified by the signature of the mayor, attested by the city secretary under the following words:

"This is the official zoning map as adopted by part of Ordinance No. ____ on _____, 2011 by the City Council of the City of Tatum, Texas."

When changes are made in any zoning district boundaries, such changes shall be entered on the official zoning map ~~promptly after the amendment has been approved by the City Council. No zoning change shall become effective~~ until after its approval by the City Council.

B. ZONING MAP REPLACEMENT

The City Council may, by ordinance, adopt a new official zoning map should the original official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map or any subsequent amendment thereof. The new official zoning map shall also be identified by the signature of the mayor attested by the city secretary, and bearing the seal of the city under the following words:

"This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the zoning ordinance of the City of Tatum, Texas."

C. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following shall apply:

- 1 Where the designation of the district map indicates that the various districts are bounded by a road or street line, the center line of such road or street shall be construed to be the district boundary line;
- 2 Where the district boundaries indicated follow platted lot or tract lines, the district boundaries shall be construed to follow such lot or tract lines.
- 3 Where the district boundaries indicated appear to follow city limit boundaries, the district boundaries shall be construed to follow the city limit boundaries.
- 4 Where district boundaries indicated as dividing a lot or tract, the district boundaries shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.
- 5 Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this section, the zoning Board of Adjustment shall interpret the district boundaries.

1 Conformity with District Required

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, reconstructed, enlarged or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.

2 Height and Lot Coverage to Conform with District Regulations

No building or other structure shall hereafter be erected, reconstructed, enlarged or structurally altered to exceed the height or to occupy a greater percentage of the lot area which is prescribed for the district in which it is located.

3 Height and Area Exceptions

The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Chimneys, non-commercial television receiving antennas, and satellite dishes as part of a residential development or use are hereby exempted from the height regulations as established herein.
- (b) Church steeples or spires, belfries, cupolas, cooling towers, tanks, water towers, microwave radio and television relay or broadcasting towers, mast or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations as established herein; provided, a specific use permit or variance is granted when the maximum height allowed in the zoning district is exceeded.
- (c) When a lot has an area less than the minimum number of square feet, lot width or lot depth as required for the district in which it is located, and was of record as such at the time of the passage of this zoning ordinance, such lot may be continued to be occupied or used and nothing herein shall prohibit the erection a single family dwelling. However, no building or structure shall be erected, reconstructed, enlarged or structurally altered on such non-conforming lot unless a variance has been granted to do so.
- (d) An open, uncovered porch or paved terrace may project into a required front, back or side yard setback for a distance of not more than ten (10) feet, but shall not be interpreted to include or permit fixed canopies.

4 Yards to Conform with District Regulations in Section 4-D

No building or other structure shall have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner be contrary to the provisions of these regulations unless existing at the time of passage of this ordinance, in which case, they shall not be further reduced in size without a variance.

5 No Yard or Other Integral Component Required for Any Building Shall be Counted Twice

No part of a yard or other open space, off-street parking or loading space required in connection with any building for the purpose of complying with these zoning regulations shall be included as a part of a yard, open space, off-street parking or loading space similarly required for any other building.

6 Visibility at Intersections Required

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet (2-1/2') to ten feet (10') above ground level measured from thirty feet (30') from the corner intersection.

SECTION 4. ZONING DISTRICTS GENERALLY

A. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the City of Tatum, Texas is hereby divided into eleven (11) zoning districts, ten (10) are specific zoning districts and one (1) is an overlay zoning districts. The eleven (11) zoning districts are as follows:

Specific Zoning Districts

1. "A" - Agricultural District
2. "R-1" - Single Family Residential District
3. "R-2" - Single family Residential District
4. "R-3" - Single Family, Manufacture Home and
Two Family Residential District
5. "MF" - Multiple Family Residential District
6. "MH" - Manufactured Home District
7. "B" - Business District
8. "B-1" - Business District
9. "C" - Commercial District
10. "T" - Industrial District

Overlay Zoning Districts

11. "FP" - Flood Plain District

B. NEWLY ANNEXED TERRITORY

1. Annexed Territory to be Temporarily Zoned "R-1"

All territory hereafter annexed to the city shall be temporarily zoned as "R-1" single family residential district, until permanent zoning is established by the City Council, except as provided in paragraph (3) below. The procedure for establishing permanent zoning on newly annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations. However, nothing herein shall prevent the granting of permanent zoning at the time of annexation and zoning such territory other than an "R-1 District."

2. Regulations in an area Temporary classified as "R-1 District"

- (a) No person shall erect, construct or add to any building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the city as required herein.
- (b) No building permit for the construction of a building or a certificate of occupancy shall be issued other than for the construction of a building or a use permitted in "R-1" District(s).

3. Concurrent Re-Zoning and Annexation

Application(s) for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the City Council.

C. GENERAL COMPLIANCE WITH DISTRICT REGULATIONS

The regulations established by this ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, and in accordance with the following:

7 Access to Structures

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street; and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

8 Refuse Containers Prohibited in Front or Side Yard of Business

Refuse containers or dumpsters shall not be located in the front or side yard of any business establishment or property zoned for commercial or industrial use. This restriction shall not apply in cases where compliance would cause such containers to be inaccessible to refuse collection vehicles. For the purposes of this restriction, the Zoning Administrator shall determine after reasonable investigation whether the container is so accessible or not.

9 Number of Dwellings Per Lot Restricted

No more than one dwelling shall be permitted on any lot of record which is zoned as an "A", "R-1", "R-2" or "R-3".

D. SCHEDULE OF DISTRICT REGULATIONS ADOPTED

The following table of district regulations is hereby adopted and shall be considered as part of each applicable zoning district regulation as hereafter described in this ordinance: Listed lot sizes are minimum requirements and not necessary accepted as desirable lot sizes.

SECTION 4. D - SCHEDULE OF DISTRICT REGULATIONS

AREA REGULATIONS	A Agricultural	R-1 Single-Family	R-2 Single-Family	R-3 Single, MH & Two	MF Multi-Family	MH Mobile Home Park	B Business	B-1 Business	C Commercial	I Industrial
Minimum Lot Area (Sq. ft.)	1 Acre	12,000	8,750	6,000	(a)	(b)(i)	5,000	5,000	5,000	N/A
Minimum Lot Width (ft.) [c]	80'	90'	70'	50'	75'	40' * 50' **	50	50	50'	N/A
Minimum Lot Depth (ft.)	125'	125'	100'	100'	125'	80' * 100' **	100	100	100'	N/A
Minimum Front Yard Setback (ft.)	25'	25' (e)	25' (e)	25' (e)	30'	25' * 25' **	25'	25'	25'	25'
Minimum Front Yard Setback-Major Street (Feet)	35'	35'	35'	35'	35'	35' * 35' **	25'	25'	25'	25'
Minimum Rear yard Setback (ft.) [d]	20'	20' (e)	20' (e)	20' (e)	25'	15' * 20' **	20'	20'	20'	20'
Minimum Side yard Setback (ft.)	5'	10'	8'	8'	8'	8' * 8' **	10'	10'	10'	10'
Minimum Side Yard Setback (ft.), Corner Lot [street side only]	15'	15'	15'	15'	15'	15' * 15' **	15'	15'	15'	15'
Minimum Side Yard Set-back -Corner Lot Fronting at Front & Side St.	25'	25'	25'	25'	25'	25' **	N/A	N/A	N/A	N/A
Maximum Height. (Stories)	2.5	2.5	2.5	2.5	3	1.5' * 25' **	2	2	3	3
Maximum Height of Structure (ft.)	40'	40'	40'	35'	40'	25' **	30	30	45	45
Maximum Lot Coverage	50%	50%	50%	50%	50%	40% * 40% **	60%	60%	60%	60%
Minimum Living Area, excludes garage, porch, breezeways (sq. ft.)	1,500	1500	1,250	450 [MH] Duplex [b] Single F.- [1,000]	(b)	(i) * (i) **	N/A	N/A	N/A	N/A

* Pertains to manufactured home parks. (Front yard setback shall be from a dedicated street right-of-way or from any private drive designed or used for access, circulation or service within the "MH" Park.)

** Pertains to individually-owned manufactured home lots.

- (a) The minimum lot area for multi-family dwellings shall be 7,000 and not less than 1,600 square feet per apartment unit. There shall be a maximum of 16 units per acre.
- (b) The minimum living area per unit or apartment shall be six hundred (600) square feet for an efficiency, eight hundred (800) square feet for one (1) bedroom, nine hundred (900) square feet for two (2) bedrooms, and one thousand one hundred (1,100) square feet for three (3) or more bedrooms. However, the average living area for all apartments in an apartment building must be a minimum of seven hundred (700) square feet.
- (c) Whenever any lot is located on a cul-de-sac, the lot width shall not be less than 80% of the required lot width at the building line.
- (d) Whenever any lot on a cul-de-sac, the rear yard setback shall be fifteen (15) feet.
- (e) A, R-1, R-2 and R-3 districts - lots having a double street frontage at the front & back, the minimum front yard requirement shall be provided at the front and back lot line.
- (f) R-3 district - the minimum front yard shall be 25 feet on a non-major street, except where circular or similar entrance ~~drives cross the lot in front of the main building are used, in which event the minimum front yard depth shall be 35 feet~~ and no parking space or vehicle storage area shall be located closer to the front property line than 25 feet.
- (g) For manufactured home lots which are individually owned, the minimum lot area shall be five thousand (6,000) square feet when a public sewer system is available. When septic tanks are used the square feet of the lot area shall be the size specified by the state agency that monitors Wastewater systems.
- (h) For manufactured home parks, the minimum lot area shall be at least three times larger than the manufactured home to be placed thereon and in no event less than three thousand five hundred (3,500) square feet in area when a public sewer system serves the park. Where no public sewer system is available and septic tanks are used for sewerage disposal, the minimum lot area shall be size specified by the state agency that monitors Wastewater systems.
- (i) The minimum living area for a manufactured home is four-hundred fifty (450) square feet.
- (j) No front yard or setback is required for commercial or industrial structures except where a lot adjoins a residential district or lot, in which the front yard in the commercial or industrial district shall be provided for a distance of not less than twenty-five (25) feet from the boundary of said residential district or lot.
- (k) A front yard or setback of thirty-five (35) feet shall be required in the Commercial Zone for any residential, retail, commercial or industrial structure facing or siding on State Highways 149 and 43.
- (l) No side yard shall be required for commercial or industrial structures except that a side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district and on corner lots
- (m) No rear yard is required for commercial or industrial structures except that a rear yard of not less than fifteen (15) feet in depth shall be provided upon that portion of a lot abutting upon a residential district or lot.

SECTION 5. "A" AGRICULTURAL DISTRICT

A. PURPOSE

The "A" Agricultural District is established to be used primarily in areas where agricultural uses or open space should be retained. These lands should be continued to be used for agricultural or open space purposes until needed for urban purposes in conformity with the orderly growth of the city.

B. PERMITTED USES

The uses permitted in the "A" District include those listed in the "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4.- D hereof and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking requirements found in Section 19 hereof. Parking for at least two motor vehicles shall be provided behind the front yard requirement for any single family dwelling constructed after the date of adoption of this ordinance.

F. SALES DISPLAYS PROHIBITED

- 1 Garage sales shall be permitted in accordance with Tatum Code of Ordinances.
- 2 It shall be unlawful for any person to display or allow to be displayed for sale or lease on any lot any motor vehicle; boat or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shell designed for use of a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall at any time be permitted to display more than two, or combination thereof, of the following: motor vehicles; boats or other similar vessels subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shells per lot. The restrictions herein shall not prevent the display for sale of tractors, plows, mowing equipment, or other implement of farming in the "A" District provided that no more than two of any such items shall be displayed for sale at any given time.

SECTION 6. "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT**A. PURPOSE**

The "R-1" Single Family Residential District is established to allow for large to medium size single-family dwellings on large lots.

B. PERMITTED USES

The uses permitted in the "R-1" District include those listed in "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4.- D hereof and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking requirements found in Section 19 hereof. Parking for at least two motor vehicles shall be provided in an enclosed garage or under a carport for any single family dwelling constructed after the date of adoption of this ordinance.

F. SALES DISPLAYS PROHIBITED

- a. Garage sales shall be permitted in accordance with Tatum Code of Ordinances.
- b. It shall be unlawful for any person to display or allow to be displayed for sale or lease on any lot any motor vehicle; boat or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shell designed for use of a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall at any time be permitted to display more than two, or combination thereof, of the following: motor vehicles; boats or other similar vessels subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shells per lot. The restrictions herein shall not prevent the display for sale of tractors, plows, mowing equipment, or other implement of farming in the "A" District provided that no more than two of any such items shall be displayed for sale at any given time.

SECTION 7 "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

A. PURPOSE

This district is the predominate single family housing district that now exist in the City. This district allows affordable housing for residents and is intended to accommodate development in existing subdivisions and new development.

B. PERMITTED USES

The uses permitted in the "R-2" District include those listed in "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA: YARD: HEIGHT: LOT COVERAGE: BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking requirements found in Section 19 hereof. Parking for at least two motor vehicles shall be provided in an enclosed garage or under a carport for any single family dwelling constructed after the date of adoption of this ordinance.

F. SALES DISPLAYS PROHIBITED

1. Garage sales shall be permitted in accordance with Tatum Code of Ordinances.
2. It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall be permitted to display more than two, or combination thereof, of the following: motor vehicles; boats or other similar vessels subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shells per lot.

SECTION 8. "R-3" SINGLE FAMILY, TRADITIONAL CONSTRUCTED, INDUSTRIALIZED HOMES, MANUFACTURED HOMES AND TWO FAMILY RESIDENTIAL DISTRICT.**A. PURPOSE**

The "R-3" Residential District is established to meet the needs for low and medium density residential structures.

B. PERMITTED USES

The uses permitted in the "R-3" District in the "Schedule of Uses" found in Section 16 hereof including single-family dwellings constructed on the lot, industrialized residential structures, manufactured homes and two-family residential structures. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIAL USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall forward their recommendations of action to the City Council, after public hearing thereon. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance.

D. AREA: YARD: HEIGHT: LOT COVERAGE: BUILDING SIZE

~~The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district,~~ shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking schedule found in Section 16 and 19 hereof. No enclosed or covered parking is specifically required, however, carports and garages are encouraged.

F. SALES DISPLAYS PROHIBITED

- 1 Garage sales shall be permitted in accordance with Tatum Code of Ordinances.
- 2 It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or family shall be permitted to display more than one of the following at any time: motor vehicles, boats or vessels subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31, or camper shells.

SECTION 9. "MF" MULTIFAMILY RESIDENTIAL DISTRICT**A. PURPOSE**

The "MF" Multi-family Residential District is established to meet the needs for medium to high density residential development where such areas are suitable for higher impact development and higher volume traffic while encouraging the provision of conveniently located rental accommodations.

B. PERMITTED USES

The uses permitted in the "MF" District include those listed in the "Schedule of Uses" found in Section 16. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA: YARD: HEIGHT: LOT COVERAGE: BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, ~~maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district~~ shall conform with the provisions of the "Schedule of District Regulations" found in Section 4.-D and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking requirements found in Section 19 hereof. Parking spaces for at least two motor vehicles shall be provided for each dwelling unit. No enclosed or covered parking is specifically required, however, carports and garages are encouraged.

F. SALES DISPLAYS PROHIBITED

- 1 Garage sales shall be permitted in accordance with Tatum Code of Ordinances.
- 2 It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or family shall be permitted to display more than one of the following at any time: motor vehicles, boats or vessels subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31, or camper shells.

SECTION 10. "MH" MANUFACTURED HOME PARK DISTRICT

A. PURPOSE

The "MH" Manufactured Home Park District is intended to provide for quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single family residential subdivision. The minimum size of a Manufactured Home Park shall be five (5) acres.

B. PERMITTED USES

The uses permitted in the "MH" District include those listed in the "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in **Section 16** of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See **Section 17** of this ordinance

D. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

~~The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district,~~ shall conform with the provisions of the "Schedule of District Regulations" found in **Section 4- D** and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking schedule found in **Section 19** hereof. No enclosed or covered parking is specifically required.

F. ALL COMMERCIAL OPERATIONS AND SALES TO BE ENCLOSED: EXCEPTION

All commercial uses, operations, and sales, except for off-street parking and off-street loading facilities shall be conducted within completely enclosed buildings. However, the City Council may grant a permit to businesses for sidewalk sales for a period up to thirty (30) days per year.

SECTION 12. "B-1" BUSINESS (OR RESTRICTED COMMERCIAL) DISTRICT**A. PURPOSE**

The "B-1" Business District has been established to limit commercial uses and operations within enclosed buildings and prohibiting outside storage and display of goods and materials, and new or used vehicles and equipment. This district is intended to accommodate the basic shopping and service needs of residents and to provide retail and office space for merchants and financial, administrative, government and business services. This section is not intended to prohibit the outside display of merchandise in the normal course of retail business.

B. PERMITTED USES

The uses permitted in the "B-1" District include those listed in the "Schedule of Uses" found in **Section 16** hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with **Section 22** of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall forward their recommendations of action to the City Council, after public hearing thereon. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance.

D. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, ~~maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district,~~ shall conform with the provisions of the "Schedule of District Regulations" found in Section 4. -D and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking schedule found in Sections 16 and 19 hereof. No enclosed or covered parking is especially required; however, carports and garages are encouraged.

F. SALES DISPLAYS PROHIBITED

- 1 Garage sales shall be permitted in accordance with Tatum Code of Ordinances.
- 2 It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall be permitted to display more than two of the following, or combination thereof, per lot at any time: motor vehicles, boats or other similar vessels subject to registration under V.T.C.A., Parks & Wildlife Code, Chapter 31, or camper shells per lot at any time.

SECTION 11. "B" BUSINESS (OR RESTRICTED COMMERCIAL) DISTRICT

A. PURPOSE

The "B" Business District has been established to limit commercial uses and operations within enclosed buildings and prohibiting outside storage and display of goods and materials, new or used vehicles and equipment and HUD-code manufactured homes or industrialized buildings, accessory building, recreational vehicles or mobile homes.. This district is intended to accommodate the basic shopping and service needs of residents and to provide retail and office space for merchants and financial, administrative, government and business services. This section is not intended to prohibit the outside display of merchandise in the normal course of retail business.

B. PERMITTED USES

The uses permitted in the "B" District include those listed in the "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDINGS; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4.- D and any other applicable regulations as herein provided. All buildings must be site buildings and must comply with Ordinance No. 2010-02 of the City of Tatum.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking schedule found in Section 19 hereof. No enclosed or covered parking is specifically required.

F. ALL COMMERCIAL OPERATIONS AND SALES TO BE ENCLOSED: EXCEPTION

All commercial uses, operations, and sales, except for off-street parking and off-street loading facilities shall be conducted within completely enclosed buildings. However, the City Council may grant a permit to businesses for sidewalk sales for a period up to thirty (30) days per year.

SECTION 13. "C" COMMERCIAL DISTRICT

A. PURPOSE

The "C" Commercial District is established to accommodate commercial activities that cannot generally be accommodated in "B" or "B-1" Districts. This district permits the storage of goods, materials, equipment, machinery and vehicles outside of enclosed buildings.

B. PERMITTED USES

The uses permitted in the "C" District include those listed in the "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with the "Classification of New and Unlisted Uses".

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA: YARD: HEIGHT: LOT COVERAGE: BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4. D and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

Off-street parking space requirements shall be in accordance with the parking schedule found in Section 19 hereof. No enclosed or covered parking is specifically required.

SECTION 14. "I" INDUSTRIAL DISTRICT**A. PURPOSE**

The "I" Industrial District is established to accommodate most industrial and manufacturing uses, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, fumes or vibrations.

B. PERMITTED USES

The uses permitted in the "I" Industrial District include those listed in the "Schedule of Uses" found in Section 16 hereof. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with Section 22 of this ordinance dealing with new and unlisted uses.

C. SPECIFIC USE PERMIT

In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the Planning and Zoning Commission shall conduct a public hearing concerning requested changes to the zoning ordinance and forward their recommendations of action to the City Council. The City Council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for such uses allowed in the schedule of uses in Section 16 of this ordinance. The issuance of the permit by the City Council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the conditional use of the land and buildings granted. See Section 17 of this ordinance

D. AREA: YARD: HEIGHT: LOT COVERAGE: BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4.- D and any other applicable regulations as herein provided.

E. PARKING REQUIREMENTS

The minimum off-street parking space requirements for manufacturing and industrial uses shall be one (1) space for each two (2) employees or one (1) space for each one thousand square feet of gross floor area of all buildings used for the manufacturing or industrial purposes, whichever is greater. Such off-street parking shall also be in accordance with Sections 19 hereof.

SECTION 15. "FP" FLOOD PLAIN (OVERLAY) DISTRICT

A. PURPOSE

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the general welfare and to provide protection from flooding, the "FP" District is hereby established. This district may also be coextensive with or overlay any or all of the other zoning districts or portions thereof as provided for herein.

Where a tract of land or portion thereof is zoned as one of the other zoning districts provided for in this zoning ordinance and is also zoned "FP" District, the restrictions contained in the "FP" District shall take precedence over the other zoning district(s) and shall be the controlling regulations for that district or portion of that district.

B. PERMITTED USES

~~All uses must meet the requirements of the Tatum Code of Ordinances as well as the regulations of the underlying (or base) zoning district. See Section 16.~~

C. AREA, YARD, HEIGHT, LOT COVERAGE, BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" and any other applicable regulations as herein provided.

D. GENERAL REGULATIONS

No building or structure shall be erected in any "FP" District unless such building or structure has been constructed in accordance with the flood damage prevention regulations established in **Tatum Code of Ordinances**.

Owners of buildings in flood-prone areas are encouraged to participate in the flood insurance program made available by insurance companies with the support of the Federal Insurance Administration of the Department of Housing and Urban Development (HUD).

E. CITY NOT LIABLE FOR ANY DAMAGES

- 1 The fact that land is, or is not, within a district having a flood plain designation, shall not be interpreted as assurance that such land or area is, or is not, subject to periodic flooding. The city shall not be held responsible for failure to designate any lands as flood-prone areas and shall not be responsible for any such damages caused by any such failure or action.
- 2 No building permit shall be issued for the construction of any building or structure in a flood plain designated area unless and until deed restrictions are executed in favor of the city reciting that the owner and his successors will indemnify and hold harmless the city from any damages caused by flooding.

SECTION 16 SCHEDULE OF USES AND OFF-STREET PARKING REQUIREMENTS

A. SCHEDULE OF USES AND OFF-STREET PARKING ESTABLISHED

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereinafter be used and no building or structure shall hereinafter be occupied, used, erected, altered, removed, placed, demolished, or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

X	Designates use permitted in district
	Designates use prohibited in district
S	Use permitted with specific use permit

NOTE: Gross floor area is abbreviated as g.f.a. Also, any numbers in parenthesis represents a footnote and all footnotes are found at the end of this schedule of uses.

RESIDENTIAL USE	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Single Family Dwelling	X	X	X	X	X	X	S	S	S	(1)		2/dwelling unit
Two-Family Dwelling				X	X		S	S	S			2/dwelling unit
Three-Family Dwelling					X				S			2/dwelling unit
Four-Family Dwelling					X				S			2/dwelling unit
Apartment or Multifamily E					X				S			1.5/dwelling unit
Manufactured Home (mobile)				X		X			S	S		2/dwelling unit
Industrialized Housing (mod)	X	X	X	X	X	X						2/dwelling unit
Manufactured Home Park						X						2/dwelling unit
Townhouse					X							2/dwelling unit
Condominium					X							2/dwelling unit
Trailer Camp or Park						S						1/dwelling unit
Recreational Vehicle						X	S	S	S	S		1/dwelling unit
Boarding (Rooming) House					X							1/dwelling room
Child Day Care Home	X	X	X	X	X		S	S				2/dwelling
Group Home	S	S	S	S	X							2/dwelling
Group Day Care Home	S	S	S	S	S							Specified by SUP
Halfway House				S								1/2 occupants
Guest House/Servant Quarte	X	X	X	S	X							1/dwelling unit
Accessory Building	X	X	X	X	X	X						None
Tennis Court (private)	X	X	X	X	X	S						None
Swimming Pool (private)	X	X	X	X	X	S						None
Home Occupation	(2)	(2)	(2)	(2)	(2)	(2)						None

AGRICULTURE/RANCH USES	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Farm or Ranch	X	X	X	X								2/dwelling unit
Farmer's Market							S	S	X	X		2/stall
Grainery or Gin	S									X		1/employee
Orchard	X	X	X	X	X	X	X	X	X	X	X	1/employee
Produce Stand							X	X	X			1/200 g.f.a.
Rodeo Ground, Arena	S									X		Specified by SUP
Stable, Private	X	X	S	S	X		X	X	X	X		None
Stable, Public	S									X		1/2 stalls

Utility/Solid Waste Uses:	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Cable TV Lines	X	X	X	X	X	X	X	X	X	X	X	None
Electric Substations	S	S	S	S	S	S	S	S	S	X		None
Gas Regulating/Gate Station	S	S	S	S	S	S	S	S	S	X		None
Microwave Tower	S	S	S	S	S	S	S	S	S	X	S	None
Radio and Television Tower	S	S	S	S	S	S	S	S	S	X	S	None
Railroad Freight Terminal										X		1 per employee
Railroad Tract	S	S	S	S	S	S	S	S	S	X	S	None
Railroad Yard										X	S	1 per employee
Recycling Collection Center							S	S	S	S	S	1 per employee
Refuse Transfer Station										S	S	1 per employee
Sewer Lift Station	X	X	X	X	X	X	X	X	X	X	X	None
Telephone Exchange	S	S	S	S	X	S	X	X	X	X	S	None
Utility Poles and Lines	X	X	X	X	X	X	X	X	X	X	X	None
Utility Mains and Lines	X	X	X	X	X	X	X	X	X	X	X	None
Wastewater Treatment Plant	S	S	S	S	S	S	S	S	S	X		2 minimum
Water Pump Station	X	X	X	X	X	X	X	X	X	X		None
Water Storage Tank	X	X	X	X	X	X	X	X	X	X		None
Water Treatment Plant	S	S	S	S	S	S	S	S	S	X		2 minimum
Water Well	S	S	S	S	S	S	S	S	S	S		None

GOV'T & INSTITUTIONAL USES:	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Athletic Field or Stadium	S	S	S	S	S				X	X		1/4 seats
Auditorium or Amphitheater	S	S	S	S	S		X	X	X	X		1/4 seats
Cemetery or Mausoleum	S	S	S	S	S		S	S	S	S		None
Church or Rectory	X	X	X	X	X	X	X	X	X	X		1/4 seats
College or University	S	S	S	S	S		X	X	X	X		1/3 students
Community Center	S	S	S	S	X		X	X	X	X		1/200 g.f.a.
Convalescent Center					X				X			1/3 beds
Fire Station	X	X	X	X	X	X	X	X	X	X		2/bay
Government Office							X	X	X	X		1/300 g.f.a.
Hospital	S	S	S	S	S		S	S	X	X		1/bed
Library	X	X	X	X	X		X	X	X	X		1/300 g.f.a.
Museum or Art Gallery	S	S	S	S	S		X	X	X	S		1/200 g.f.a.
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	1/2000 site area
Park with Sport Field	S	S	S	S				S	X	X	X	1/2000 site area
Police Station	S	S	S	S	S		X	X	X	X		2 visitor spaces
Post Office	X	X	X	X	X		X	X	X	X		1/400 g.f.a.
Prison or Penitentiary										S		1/6 cells
Sanitarium										S		1/6 beds
School (agriculture/bus terminal)	S	S	S	S	S		X	X	X	X		1/10 children
School (trade or business)							S	S	X	X		1/3 students
School (elementary or middle)	X	X	X	X	X		X	X	X	X		1/15 students
School (high school)	X	X	X	X	X		X	X	X	X		1/3 students
Swimming Pool (public)	S	S	S	S	S	S			X	X		10 minimum
Tennis Court (public)	S	S	S	S	S	S			X	X		2/court

COMMERCIAL USES:	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Amusement Park (outside)									X	X		1/500 site area
Animal Shelter	S								X	X		1/500 g.f.a.
Antique Shop							X	X	X	X		1/200 g.f.a.
Apparel or Clothing Store							X	X	X			1/200 g.f.a.
Appliance Repair Shop							X	X	X	X		1/400 g.f.a.
Appliance Store (retail)							X	X	X	X		1/400 g.f.a.
Arcade							X	X	X	X		1/200 g.f.a.
Art Supply Store							X	X	X	X		1/300 g.f.a.
Athletic or Fitness Club							X	X	X	X		1/200 g.f.a.
Auction							X	X	X	X		1/200 g.f.a.
Audio Store (retail)							X	X	X	X		1/200 g.f.a.
Auto Inspection Station							S	S	X	X		2/service bay
Auto Paint & Body Shop									X	X		1/200 g.f.a.
Auto Parts Store							X	X	X	X		1/300 g.f.a.
Auto Rental							S	S	X	X		1.25/rental car
Auto Repair Garage							S	S	X	X		3/service bay
Auto Sales Lot							S	S	X	X		1/1000 site area
Bakery (retail)							X	X	X	S		1/200 g.f.a.
Bank or Financial Institution							X	X	X			1/300 g.f.a.
Bed & Breakfast Accommodation	S						X	X	X			1/guest room
Barber or Beauty Shop	S						X	X	X			1/chair
Bicycle Sales & Repair							X	X	X			1/300 g.f.a.
Boat Sales									X	X		1/400 g.f.a.
Boat Storage									X	X		1/1000 site area
Book Store							X	X	X			1/200 g.f.a.
Bowling Alley							X	X	X	X		6/lane
Building Materials/Lumber Yard									X	X		1/500 g.f.a.
Bus Terminal							X	X	X	X		1/300 g.f.a.
Business Office							X	X	X	X		1/300 g.f.a.
Cabinet Shop							X	X	X	X		1/400 g.f.a.
Camera Store (retail)							S	S	X	X		1/200 g.f.a.
Car Wash							S	S	X	X		1/wash bay
Carnival or Circus							S	S	S	S		Specified by SUP
Carpet Store (retail)							X	X	X			1/400 g.f.a.
Cemetery Monument Sales									X	X		1/400 g.f.a.
Child Care Center or Facility							X	X	X	X		1/6 children
Christmas Tree Sales	S						S	S	X	X		1/1000 site area
Computer Store (retail/service)							X	X	X			1/200 g.f.a.
Contractor Yard (outside storage)									X	X		1/2000 site area
Dental Clinic or Office							X	X	X			1/200 g.f.a.
Department Store							X	X	X			1/200 g.f.a.
Electrical Sales & Service							X	X	X	X		1/400 g.f.a.
Electronics Store (retail)							X	X	X			1/200 g.f.a.
Employment Agency							X	X	X			1/200 g.f.a.
Farm Implement Sales									X	X		1/400 g.f.a.
Feed Store									X	X		1/400 g.f.a.
Feed Store with animal sales									S	S		1/400 g.f.a.
Fire Wood Sales	S						S	S	X	X		1/1000 site area
Florist Shop							X	X	X			1/300 g.f.a.
Flea Market (inside)									S	S		1/200 g.f.a.

COMMERCIAL USES:	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Flea Market (outside)									S	S		1/1000 site area
Fraternity/Sorority Lodge							X	X	X			1/200 g.f.a.
Furrier							S	S	X	X		1/400 g.f.a.
Furniture Store (retail)							X	X	X			1/400 g.f.a.
Game Hall							S	S	X	X		1/100 g.f.a.
Gift or Novelty Shop							X	X	X			1/200 g.f.a.
Go-Cart Track									X	X		1/go-cart
Golf Course	X	S	S	S	S				X	X	X	2/green
Golf Course, miniature									X	X		1.5/hole
Golf Driving Range	X								X	X	X	1/driving tee
Grocery Store							X	X	X			1/200 g.f.a.
Gun Shooting Range (indoor)	S								S	X		1/500 g.f.a.
Gunsmith Shop							X	X	X	X		1/300 g.f.a.
Hardware Store							X	X	X			1/400 g.f.a.
Heating/AC Sales & Service							X	X	X	X		1/400 g.f.a.
Heavy Equipment Sales									X	X		1/1000 site area
Hobby Shop							X	X	X			1/200 g.f.a.
Hotel or Motel							S	S	X	X		1/guest room
Insurance Sales Office							X	X	X			1/400 g.f.a.
Jewelry Store							X	X	X			1/200 g.f.a.
Kennel	S						S	S	X	X		1/400 g.f.a.
Laboratory, Medical or Dental							S	S	X	X		1/400 g.f.a.
Laundry or Dry Cleaners							X	X	X	X		1/400 g.f.a.
Lawnmower Sales & Service							S	S	X	X		1/400 g.f.a.
Leather Goods Shop (retail)							X	X	X	X		1/400 g.f.a.
Lithographic Shop							X	X	X	X		1/300 g.f.a.
Locksmith Shop							X	X	X	X		1/300 g.f.a.
Meat, Poultry & Fish Market							X	X	X	X		1/300 g.f.a.
Medical Clinic or Office							X	X	X			1/300 g.f.a.
Mini-warehouse					S		X	X	X	X		1/500 g.f.a.
Manufactured Home Sales Lot									X	X		1/1000 site area
Massage Establishment									S	S		1/200 g.f.a.
Mortuary or Funeral Home							S	S	X	X		1/3 sanctuary seats
Motorcycle Sales									X	X		1/200 g.f.a.
Movie Theater (drive-in)									X	X		1/employee
Movie Theater (indoor)							X	X	X	X		1/3 seats
Musical Instrument Store							X	X	X			1/200 g.f.a.
Newspaper Office							X	X	X			1/200 g.f.a.
Newsstand							X	X	X			1/200 g.f.a.
Nightclub or Dance Hall									X	X		1/100 g.f.a.
Nursery or Kindergarten	S	S	S	S	S		X	X	X	X		1/10 children
Office Supply Store							X	X	X			1/200 g.f.a.
Optical Clinic or Office							X	X	X			1/200 g.f.a.
Optical Dispensary Store							X	X	X			1/200 g.f.a.
Paint Sales Store (retail)							X	X	X			1/200 g.f.a.
Paintball sports/Survival Games							S	S	S	S		1/500 site area.
Pawnshop							S	S	X			1/200 g.f.a.
Pet Grooming Shop							X	X	X			1/200 g.f.a.
Pet Shop							X	X	X			1/200 g.f.a.
Pharmacy or Drug Store							X	X	X			1/200 g.f.a.

COMMERCIAL USES:	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Photography Studio							X	X	X			1/200 g.f.a.
Picture Framing Shop							X	X	X			1/200 g.f.a.
Plant Nursery									X	X		1/400 g.f.a.
Plumbing Sales & Service							X	X	X	X		1/400 g.f.a.
Pool or Billiard Hall							S	S	X	X		1/100 g.f.a.
Print Shop							X	X	X	X		1/400 g.f.a.
Private Club (serving alcohol)							X	X	X	X		1/100 g.f.a.
Professional Offices							X	X	X	X		1/300 g.f.a.
Racquetball Court							X	X	X	X		2/Courts
Real Estate or Leasing Office	3	3	3	3	3		X	X	X	X		1/300 g.f.a.
Recording Studio							X	X	X			1/300 g.f.a.
Recreational Vehicle Storage									X	X		1/400 g.f.a.
Rental Store							X	X	X	X		1/400 g.f.a.
Restaurant or Cafe (inside)							X	X	X	X		1/3 seats
Restaurant (drive-in)							X	X	X	X		1/100 g.f.a.
Restaurant (kiosk)							X	X	X	X		1/100 g.f.a.
Second Hand Store							X	X	X	X		1/200 g.f.a.
Service Station							S	S	X	X		4 minimum
Sexually Oriented Business										S		Specified by SUP
Shoe or Boot Store							X	X	X			1/200 g.f.a.
Shopping Center or Mall							X	X	X	S		1/200 g.f.a.
Sign Shop							X	X	X	X		1/400 g.f.a.
Skating Rink							X	X	X	X		1/400 g.f.a.
Snow Cone Stand							X	X	X			2 minimum
Sporting Goods Store							X	X	X			1/200 g.f.a.
Tack Store							X	X	X	X		1/400 g.f.a.
Tailor or Seamstress Shop							X	X	X			1/300 g.f.a.
Tanning Salon							X	X	X	X		1/200 g.f.a.
Tattoo Shop							S	S	X			1/200 g.f.a.
Taxidermist									S	X		1/400 g.f.a.
Tire Sales & Repair & Installation							S	S	X	X		1/400 g.f.a.
Title and Abstract Office							X	X	X			1/200 g.f.a.
Tool & Equipment Rental									X	X		1/400 g.f.a.
Trailer Sales and Rental									X	X		1/1000 site area
Travel Agency							X	X	X			1/300 g.f.a.
Truck Rental									X	X		1/400 g.f.a.
Truck Repair									X	X		1/400 g.f.a.
Truck Sales									X	X		1/1000 site area
Truck Wash									X	X		2/wash bay
Upholstery Shop							X	X	X	X		1/400 g.f.a.
Veterinary Clinic							X	X	X	X		1/300 g.f.a.
Veterinary Hospital									S	S		1/300 g.f.a.
Video Store							X	X	X	X		1/200 g.f.a.
Washateria (self-service)					X		X	X	X	X		1/wash machine

INDUSTRIAL USES	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Airport									S	S		Specified by SUP
Ammonia Manufacturing										S		See Sec. 18-E
Apparel Manufacturing										X		See Sec. 18-E
Appliance Manufacturing										X		See Sec. 18-E
Artificial Limb Manufacturing										X		See Sec. 18-E
Asphalt Batching Plant										S		See Sec. 18-E
Bakery, Commercial									X	X		See Sec. 18-E
Bleach Manufacturing										S		See Sec. 18-E
Bookbinding & Publishing									S	X		See Sec. 18-E
Bottling Plant									S	X		See Sec. 18-E
Box Manufacturing										X		See Sec. 18-E
Brewery										X		See Sec. 18-E
Brick or Tile Manufacturing										X		See Sec. 18-E
Canning Operation										X		See Sec. 18-E
Carpet Manufacturing										X		See Sec. 18-E
Chemical Storage or Mfg.										S		See Sec. 18-E
Chlorine Manufacturing										S		See Sec. 18-E
Cold Storage Plant										X		See Sec. 18-E
Composite Manufacturing										X		See Sec. 18-E
Composting (Commercial)	S									S		See Sec. 18-E
Concrete Batching Plant									S	X		See Sec. 18-E
Concrete Product Casting Plant										X		See Sec. 18-E
Contractor Yard (outside storage)									X	X		See Sec. 18-E
Creamery										X		See Sec. 18-E
Creosote Manufacturing										S		See Sec. 18-E
Distribution Center (small)							S	S	X	X		See Sec. 18-E
Distribution Center (large)									S	X		See Sec. 18-E
Distillation Plant										S		See Sec. 18-E
Dyeing Plant										X		See Sec. 18-E
Electrical Components Mfg.										X		See Sec. 18-E
Electroplating										X		See Sec. 18-E
Envelope Manufacturing										X		See Sec. 18-E
Explosives Manufacturing										S		See Sec. 18-E
Fertilizer Manufacturing	S									S		See Sec. 18-E
Fiberglass Manufacturing										X		See Sec. 18-E
Fireworks Manufacturing										S		See Sec. 18-E
Food Processing										X		See Sec. 18-E
Foundry										S		See Sec. 18-E
Freight Terminal, Motor										X		See Sec. 18-E
Freight Terminal, Railroad										X		See Sec. 18-E
Furniture Manufacturing										X		See Sec. 18-E
Garment Manufacturing										X		See Sec. 18-E
Glass Manufacturing										X		See Sec. 18-E
Glue Manufacturing										S		See Sec. 18-E
Granary or Gin										X		See Sec. 18-E
Gypsum Manufacturing										S		See Sec. 18-E
Heliport or Helistop									S	S		See Sec. 18-E
Ice Cream Plant										X		See Sec. 18-E
Ice Plant										X		See Sec. 18-E
Incinerator									S	S		See Sec. 18-E

INDUSTRIAL USES	A	R-1	R-2	R-3	MF	MH	B	B-1	C	I	FP	PARKING
Insecticide Processing										S		See Sec. 18-E
Junkyard										S		See Sec. 18-E
Laundry Plant										X		See Sec. 18-E
Light Fabrication Plant										X		See Sec. 18-E
Machine Shop										X		See Sec. 18-E
Marble Manufacturing										X		See Sec. 18-E
Mattress Manufacturing										X		See Sec. 18-E
Meat, Poultry & Fish Processing									S	X		See Sec. 18-E
Metal Fabrication										X		See Sec. 18-E
Metal Plating										X		See Sec. 18-E
Metal Stamping and Extrusion										X		See Sec. 18-E
Mining, Extraction Operation										S		See Sec. 18-E
Monument Works										X		See Sec. 18-E
Packaging Operation									S	X		See Sec. 18-E
Paint Manufacturing										X		See Sec. 18-E
Pallet Manufacturing										X		See Sec. 18-E
Paper Mill										X		See Sec. 18-E
Paper Products Manufacturing										X		See Sec. 18-E
Pesticide Processing										S		See Sec. 18-E
Petroleum Products (wholesale)										S		See Sec. 18-E
Petroleum Refinery or Storage										S		See Sec. 18-E
Pharmaceutical Manufacturing										X		See Sec. 18-E
Planing Mill										X		See Sec. 18-E
Plastic Product Manufacturing										S		See Sec. 18-E
Pottery Manufacturing										X		See Sec. 18-E
Radio Transmitting Station									S	X		See Sec. 18-E
Recycling Processing Plant										S		See Sec. 18-E
Rendering Plant										S		See Sec. 18-E
Rock Crushing Plant										S		See Sec. 18-E
Salvage Yard										S		See Sec. 18-E
Smelter Plant										S		See Sec. 18-E
Tanning Plant										S		See Sec. 18-E
Television Transmitting Station								S	S	X		See Sec. 18-E
Temporary Construction Office	S	S	S	S	S	S	S	S	S	X		See Sec. 18-E
Textile Manufacturing										X		See Sec. 18-E
Tire Manufacturing										S		See Sec. 18-E
Vehicle Conversion Facility								X		X		See Sec. 18-E
Warehouse								S		X		See Sec. 18-E
Welding Shop								S		X		See Sec. 18-E

Notes to Schedule of Uses:

- (1) Allowed with mini-warehouse use only.
- (2) Home occupations are permitted when in accordance with Section 17. Home occupations not specifically permitted in Section 17 may be permitted only with a specific use permit. (SUP).
- (3) Allowed until the development is sold out.

SECTION 17 SPECIFIC USE PERMITS

A. STANDARDS

No application for a specific use permit shall be granted by the City Council unless the Council finds all of the following conditions are present:

- 1 That the establishment, maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals or general welfare;
- 2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use;
- ~~3 That the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;~~
- 4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- 5 That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
- 6 That the use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.

B. CONDITIONS AND GUARANTEES

Prior to the granting of any specific use permit, the City Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in Subsection A above. In all cases in which specific use permits are granted, the City Council shall require such evidence and written guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

C. EFFECT OF DENIAL OF APPLICATION

No application for a specific use permit which has been denied wholly or in part by the City Council shall be re-submitted for a period of ninety (90) days from the date of said denial.

SECTION 18. HOME OCCUPATIONS

A. PURPOSE

The purpose of this section is to permit the conduct of home occupations which are not incompatible with the neighborhoods in which they are located.

B. GENERAL PROVISIONS FOR HOME OCCUPATIONS

Home occupations are permitted as an accessory use in the residential districts and are subject to the requirements of that district in which the use is located, in addition to the following:

- 1 Only the person or persons residing in the dwelling shall be engaged in the home occupation;
- 2 The home occupation shall be conducted only within the enclosed area of the dwelling unit, garage, or accessory buildings. No storage or display of materials, goods, supplies, or equipment related to the operation of home occupation shall be visible outside any structure located on the premises;
- 3 Not more than twenty-five percent (25%) of the living area of the principal building, up to a maximum of three hundred (300) square feet, shall be devoted to the home occupation;
- 4 There shall be no exterior alterations which change the character thereof as a dwelling or exterior evidence of the home occupation other than one sign not over one (1) square foot advertising the home occupation. Such sign shall be placed flat against a wall or door or displayed in a window;
- 5 No home occupation shall create smoke, fumes, glare, noise, dust, vibration, electrical interference or any other nuisance not normally associated with the average residential use in the district;
- 6 No home occupation shall become a fire hazard;
- 7 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 residential district;
- 8 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
- 9 No advertising sign may be placed on the premises other than the permitted sign in item (4) above.
- 10 Occupations that may be considered for a home occupation approval include:
 - (a) Accountant,
 - (b) Artist,
 - (c) Author,
 - (d) Business or management consultant,
 - (e) Child care of no more than six (6) children,
 - (f) Dressmaking,
 - (g) Handicraft,
 - (h) Home-based computer service business,
 - (i) Individual tutoring,
 - (j) Millinery,
 - (k) Music instruction,
 - (l) Preserving,
 - (m) Other occupations as approved by the city which meet the above General Provisions and are compatible with the neighborhood in which it is located.

A use considered not within the scope of these home occupation provisions shall be subject to the provisions of the commercial or industrial zones of this ordinance or require a specific use permit from the City Council.

C. PROCESS FOR CERTIFICATE OF OPERATION AND TIME LIMIT

The home occupations which are permitted to be conducted in a residential zone ("A", "R-1", "R-2", "R-3", "MF" and "MH") provided it is in accordance with the section or other city ordinances or state and federal laws are those listed above in Section 17, Item 10.

A home occupation request must be presented to the Planning and Zoning Commission at a public hearing and then to the City Council. A certificate for operation may be issued by the building inspector through the month of January following approval by the City Council. Each approved home occupation that would like to continue

operating after January must have the home occupation certificate renewed in January of each year by the City Council, following a public hearing.

The initial home occupation request and the annual renewal permit must follow the same procedure in advertising the public hearings with the Planning and Zoning Commission and City Council as required in Section 25 to amend the Zoning Ordinance.

A use considered not within the scope of these home occupation provisions shall be subject to the provisions of the business, commercial or industrial zones of this ordinance or require a specific use permit.

SECTION 19. OFF-STREET PARKING AND LOADING REQUIREMENTS GENERALLY

A. PURPOSE

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading areas shall be provided as set forth in the following schedules and provisions.

B. GENERAL PROVISIONS FOR OFF-STREET PARKING

- 1 Off-street parking required by this zoning ordinance shall be on an all-weather surface and shall be connected by an all-weather surfaced driveway to an approved public or private street or alley. For new construction or development started after the effective date of this ordinance, an all-weather surface shall be asphalt or concrete pavement, crushed rock, stone, gravel or other similar semi-permeable surface. For existing development and new residential development located on one or more acres started after the effective date of this ordinance, an all-weather surface shall be either asphalt or concrete pavement, crushed rock, stone, gravel or other similar semi-permeable surface.
- 2 No parking space shall be less than eighteen feet (18') in length (22' for parallel parking) and nine feet (9') in width. Exception: parking spaces may be reduced in length when a tire-stop curb is installed sixteen feet (16') from the maneuvering lane and a clear space of two feet (2') is provided for a vehicle overhang. The overhang is not permitted over public property or a setback in which parking is not permitted.
- 3 Required off-street parking for residential uses shall be provided on the lot or tract occupied by the principal use. Required off-street parking for non-residential uses shall be provided on the lot or tract occupied by the principal use; however, the city may permit either required or additional off-premise parking, as a special condition under such regulations and conditions as the City Council may deem advisable when the proposed parking facility is on a platted lot within three hundred feet (300') of the principal use property. In the case of churches, off-site parking may be permitted by the Council; provided, it is located within one thousand (1,000) feet of the church building.

The City Council shall approve the location of entrances and exists to these parking facilities and may require screening devices along the parking facility boundaries.

- 4 Off-street parking lots for businesses, industries, government buildings and churches that are adjacent to residential property shall provide a front yard set-back as required by the residential use for a distance of seventy-five feet along the street right-of-way from the property line of the residential use.
- 5 In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or car washes shall not be counted as meeting the required minimum parking.

- 6 The floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.
- 7 Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type use or building shall be included in calculation of the off-street parking requirements for any other use or building except as prescribed by this zoning ordinance.
- 8 Head-in parking spaces so situated that the maneuvering of a vehicle in entering or leaving such spaces is done on a public street or within public right-of-way shall not be classified as off-street parking in computing any parking requirements herein.

The construction of head-in parking facilities in existence at the same time of the enactment of this section are hereby declared to be a non-conforming use of land subject to the provisions of Section 26 of this ordinance.

- 9 No off-street parking facility shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley or other public right-of-way.
- 10 No off-street parking shall be located, either in whole or in part, within any fire lane required by the city or within aisles, driveways or maneuvering areas necessary to provide reasonable access to any parking space.
- 11 Tandem parking is prohibited, unless specifically authorized by variance granted by the City Council.
- 12 No required off-street parking facility shall be used for sales, non-vehicular storage, repair or service activities.
- 13 Lighting facilities, if provided, shall be so arranged as to be reflected away from property zoned or used for residential purposes.
- 14 For all multi-family and non-residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, and shall not include any fire lane or other area necessary for aisles or maneuvering of vehicles.

C. PARKING IN YARDS PROHIBITED

No person shall park any vehicle or trailer in any front or side yard in any residential district except on an all-weather parking surface which is provided to accommodate off-street parking.

D. HANDICAPPED PARKING REQUIREMENTS

The owner of private property open to the public for public purposes shall designate specific parking spaces for the disabled in conformance with the rules promulgated by the State Purchasing and General Services Commission. All such spaces shall be striped and designated by signs located where it will not be obscured.

E. OFF-STREET LOADING REQUIREMENTS

All commercial and industrial uses shall be provided with off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public street or alley, private service drive, or may consist of a truck berth within the structure. No loading docks shall be constructed facing on any public street or highway unless said loading dock is at least seventy-five feet (75') inside the right-of-way line of the street or highway on which said loading dock fronts.

Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' x 45') and such spaces or berths shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 5,000	0
5,000 to 25,000	1
25,000 to 45,000	2
45,000 to 65,000	3
65,000 to 100,000	4
Each additional 50,000 or portion thereof	1

The existence of a twenty foot (20') alley adjacent to the property shall be construed as equivalent to one (1) berth. All off-street loading spaces shall have an all-weather surface of asphalt or concrete construction and shall be accessible by a street, driveway or alley.

F. COUNTING PARKING AND LOADING SPACE TWICE PROHIBITED

No part of any off-street parking or loading space required in connection with any building for the purpose of complying with these zoning regulations shall be included as a part of any off-street parking or loading space similarly required for any other building.

SECTION 20 SCREENING REQUIREMENTS

A. SCREENING REQUIRED BETWEEN INCOMPATIBLE ZONING DISTRICTS

Insofar as practical, screening must be erected, placed, grown and maintained along the common boundary line of incompatible zoning districts before any use is made of the property. This screening requirement shall be the responsibility of the owner of the less restrictive district, with the single family residential district ("R-1") being the most restrictive and the industrial district ("I") being the least restrictive district. This is illustrated by the following chart:

ZONING DISTRICTS RATED FROM MOST RESTRICTIVE TO LEAST RESTRICTIVE

(Most Restrictive)	"R-1"	Single Family Residential
	"R-2"	Single Family Residential
	"A"	Agricultural District
	"R-3"	Single Family, Manufacture Home and Two Family Residential
	"MF"	Multiple Family Residential
	"M-H"	Manufactured Home Residential
	"B"	Business District
	"B-1"	Business District
	"C"	Commercial Districts
(Least Restrictive)	"I"	Industrial District

Where man-made material is used for screening the height of the screen shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall, or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section D of this ordinance. Where plant material is used for screening, the natural height of the type of plant material shall be approximately ten (10') feet in height.

**B. PARKING LOTS, PLAYGROUNDS, BALLFIELDS, TENNIS COURTS
AND SWIMMING POOLS TO BE SCREENED**

Any commercial parking lot, playground, ball field, tennis court, or swimming pool when adjacent to any residential use district, shall be suitably screened from view with screening shrubs. Such screening shall be at least two feet (2') in height.

C. GARBAGE, REFUSE AND TRASH COLLECTION/STORAGE AREAS TO BE SCREENED

Garbage, refuse, and trash collection/storage areas in any multifamily residential district, condominium or townhouse project, or non-residential district or use, shall be screened on at least three (3) sides to adequately screen such area from view of the surrounding area.

D. MAINTENANCE OF SCREENING DEVICES

All screening devices shall be perpetually maintained by the owner of the property. Any structurally unsound screening device may be deemed a public nuisance by the City Council and ordered to be repaired, replaced, or removed by the owner of the property in accordance with state law.

SECTION 21 SEXUALLY ORIENTED BUSINESSES

A. PURPOSE AND INTENT

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of Tatum and to establish reasonable and uniform regulations to prevent the continued concentration of sexually oriented businesses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

B. LOCATION RESTRICTIONS

It shall be unlawful to operate or cause to be operated a sexually oriented business within 1,000 feet of a church, a public or private elementary or secondary school; any residentially zoned property; a public park; or another sexually oriented business. For the purposes of measuring distances, the measurement shall be in a straight line without regard to intervening structures or objects from the nearest property line of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park or residential district. The distance between any two sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each sexually oriented business is located.

C. REGULATIONS

All sexually oriented businesses shall comply with this Ordinance and any other City Ordinance pertaining to Sexually Oriented Business Regulations.

SECTION 22 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such uses and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The applicant shall refer the question of any new or unlisted use to the Planning and Zoning Commission and request an interpretation as to the zoning classification into which such use may be placed. Such request shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities and sanitation collection.
- B. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and after public hearing, ~~determine the zoning district or districts within which such use should be permitted.~~
- C. Following its decision, the Planning and Zoning Commission shall submit its recommendation to the City Council for final approval.
- D. The same procedures should be followed as outlined in Section 25 pertaining to amendments, including the public notice and hearing requirements, when considering any zoning classification request for a new or unlisted land use.

SECTION 23 NON-CONFORMING USES

A. DEFINITION OF NON-CONFORMING USE OR STRUCTURE

A use or structure shall be considered nonconforming when on the effective date of this zoning ordinance.

1. A use or structure does not conform to the regulations prescribed in the zoning district in which such use or structure is located but was in existence and lawfully operating prior to the adoption of this zoning ordinance, or
2. A use or structure was a legal nonconforming use under the previous zoning ordinance.

B. BUILDING ON NON-CONFORMING LOTS OF RECORD

In any district in which residential, commercial or industrial buildings are permitted, buildings may be erected on any single lot of record or multiple lots, provided there is access to such buildings or houses from a street and it is in the same ownership as recorded on the effective date of this ordinance. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or depth, for the district in which located; however, all other requirements shall still apply. Any construction on non-conforming lots of record shall be permitted only with approval of the Board of Adjustment. Whenever construction is desired on multiple lots, the property owner or his/her agent shall replat the property into a single lot.

C. EXPANSIONS OR ENLARGEMENTS PROHIBITED

Repairs and alterations may be made to a legal non-conforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use. No non-conforming use or building may be expanded or increased beyond the lot or tract of land upon which such non-conforming use or structure is located after the passage of this ordinance except to provide off-street loading or off-street parking space facilities. However, the Board of Adjustment shall have the authority after a hearing to grant extension of a non-conforming building not to exceed 25% of the existing building area in case of hardship.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building for which a building permit has been properly secured from the city.

D. WHEN DISCONTINUED, CONFORMANCE REQUIRED

The lawful use of a building or land existing at the date of enactment of this ordinance, although such use does not conform to the provisions hereof, may be continued. However, if the non-conforming use of any land is discontinued for a period of sixty (60) consecutive calendar days, it shall not thereafter be resumed and any future use of such land shall be in conformity with this zoning ordinance. If a non-conforming building or structure is discontinued for a period of six (6) consecutive calendar months, it shall not thereafter be resumed and any future use of such building or structure shall be in conformity with this zoning ordinance. Upon evidence of hardship, the Board of Adjustment shall have the power to extend the time limits for the non-conforming use building, or structure not to exceed one (1) year.

E. CLASSIFICATION CHANGES

A nonconforming use or building changed to a conforming use or building may not thereafter be changed back to a nonconforming use or building. Also, whenever a nonconforming use of a building or structure is changed to a use of a more restrictive classification, such use shall not thereafter be changed to a use of a less restricted classification. For the purpose of this regulation, the most restrictive zoning classification shall be specified in the chart located in Section 20 of this zoning ordinance.

F. WHEN RESTORATION ALLOWED

A nonconforming building or structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value may be restored. If the damage is in excess of fifty percent (50%) of its value, application for restoration shall first be made to the Board of Adjustment to permit such restoration. The Board may grant or deny such restoration only after public hearing and taking into consideration the property owner's circumstances and the effect on the surrounding property. Homeowners, as shown by the city tax records on the effective date of this ordinance, shall be able to restore their property regardless of the extent of destruction, without making application to the Board of Adjustment. However, said restoration shall comply with all construction codes then in effect within the city and reconstruction must be started within six (6) months. The failure to start restoration or reconstruction within six (6) months shall forfeit the owner's right to restore or reconstruct the same unless as a conforming building or structure.

SECTION 24 PLANNING AND ZONING COMMISSION

A. MEMBERSHIP AND APPOINTMENT

There is hereby created in accordance with Chapter 211 of the Texas Local Government Code, a City Planning and Zoning Commission which shall consist of five (5) members to be appointed by the Mayor and approved by the City Council.

B. TERMS OF OFFICE

The terms of three (3) of the members shall expire on _____ of each odd-numbered year and the terms of two (2) members shall expire on _____ of each even-numbered year. The members of the Commission shall be identified by place numbers one (1) through five (5). The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first regular Commission meeting after their appointment.

C. OFFICERS

A Chairman and Vice-Chairman shall be elected annually from among the Commissions' membership at such other times as these offices may become vacant. In the absence of both the Chairman and Vice-Chairman, the Commission shall elect an Acting Chairman.

A Secretary shall be appointed from the members of the Commission or from staff personnel assigned by the City's Chief Executive Officer to serve the Commission.

D. DUTIES

- 1 The Commission shall advise the City Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the city as a setting for human activities.
- 2 ~~The members of the Commission shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.~~
- 3 The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings, shall decide all points of order or procedure. All letters of transmittal from the Commission to the City Council shall be over the signature of the Chairman.
- 4 The Secretary shall be custodian of the minutes and other official records, shall attend to the correspondence of the Commission, and shall cause to be given such notices as are required and in the manner prescribed by law.

E. QUORUM

A quorum for the conduct of business shall be a majority of the members of the Commission.

F. MEETINGS

The Planning and Zoning Commission shall meet at such times in the City Hall as may be designated by the Chairman or Vice Chairman in the absence of the Chairman, and at such regular intervals as may be necessary to orderly and properly transact the business of the Commission.

G. DUTIES AND ZONING RESPONSIBILITIES

The Planning and Zoning Commission shall be an advisory body to the City Council, and shall make recommendations regarding changes of zoning and permanent zoning to be given to newly annexed areas, and shall make recommendations regarding specific use permits and the approval of the plats of subdivisions as may be submitted to it. The Planning and Zoning Commission shall serve in an advisory capacity on any planning related item(s) in the City.

H. PROCEDURE ON ZONING HEARINGS

The procedure and process for zoning changes and/or amendments shall be in accordance with Section 25.

SECTION 25 AMENDMENTS

A. GENERAL

The zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modifications or repeal shall be deemed to amend,

supplement, change, modify or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan.

An amendment to this ordinance may be initiated by a written request of the owner or his or her agent, the Zoning Administrator, the Planning and Zoning Commission, or the City Council on its own motion when it finds that the public may benefit from the consideration of such matter.

B. PROCEDURE

All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the Zoning Administrator or his/her designated administrative official, whom shall cause notices to be sent and the petition placed on the Planning and Zoning Commission agenda. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment, however all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

C. POSTING SIGN

The Zoning Administrator, or his/her designated administrative official, shall have at least one (1) sign erected on the property to be rezoned which sign shall have a total area of at least four (4) square feet. This sign shall, if possible, be located adjacent to a street and in a conspicuous place. The sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first. The sign shall state that a zoning change has been requested on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning request may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.

D. HEARINGS AND NOTICES

The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established after receiving a report thereon from the Planning and Zoning Commission. A public hearing on such amendment, supplement, or change shall be held by both the Planning and Zoning Commission and the City Council. Notice of hearings shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearings, which time shall not be earlier than fifteen (15) days from the date of publication. Publication of such change shall be accomplished by publishing a descriptive caption of the proposed change.

Also, written notice of all public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the zoning request is made. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notices may be served by depositing the same property addressed and postage paid in the United States Post Office.

E. FAILURE TO APPEAR

Failure of the applicant or his representative to appear before the Planning and Zoning Commission for more than one hearing without an approved delay shall constitute sufficient grounds for the Planning and Zoning Commission to terminate the application.

F. PLANNING AND ZONING COMMISSION CONSIDERATION AND REPORT

The Planning and Zoning Commission, after conducting a hearing on a zoning request, shall report its recommendations on the zoning request to the City Council for their consideration. The Planning and Zoning Commission may recommend favorable approval of the request or deny the request with or without prejudice.

Every proposal which is recommended favorably or unfavorably by the Planning and Zoning Commission shall automatically be forwarded to the City Council for public hearing and consideration. When the Planning and Zoning Commission determines that the proposal should be denied, it shall report the same to the City Council and the applicant. A hearing before the City Council shall be set on an application recommended for denial only when an appeal is filed by the applicant with the Zoning Administrator or his or her designated administrative official, provided the appeal is requested within fifteen (15) days of the Planning and Zoning Commission decision.

G. APPLICATION NOT TO BE CONSIDERED FOR NINETY (180) DAYS
AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within one-hundred-and-eighty (180) days of denial of a request by City Council for the same classification on the same property.

H. PROTEST AGAINST CHANGE

In case of a protest against such change signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred (200) feet thereof, such amendment shall not become effective except by the favorable vote of three-quarter (3/4ths) of all the members of the City Council present and qualified to vote.

I. ACTION ON APPLICATION

The proponent of any zoning change shall satisfy the City Council that either the general welfare of the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the Council's satisfaction, it may grant the requested zoning change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

J. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED;
PETITION FOR ZONING DISTRICT CHANGE OR SPECIFIC USE PERMIT

When, in the opinion of the Zoning Administrator or his or her designated administrative official, the Planning and Zoning Commission, the City Council, or the Board of Adjustment, greater information is required from the applicant concerning the nature, extent and impact of his or her request than supplied with his or her application for a change in zoning, variance, or specific use permit, in order to properly review and evaluate all relevant factors thereof, the Planning and Zoning Commission, City Council, or the Board of Adjustment may require the applicant to submit a site plan and/or supporting documents conforming with all or a portion of the requirements set forth in this section, prior to rendering a decision thereon.

The applicant is encouraged to meet with the Zoning Administrator or his or her designated official in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

1 Site Plan

Meeting all of the requirements of a "preliminary plat," as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

- (a) Existing and proposed zoning district;

(b) A tabular summary schedule indicating:

- (1) The gross acreage and percent of each type of zoning category proposed;
- (2) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multifamily, townhouse, etc., including the total gross project acreage;
- (3) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street only;
- (4) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.; and
- (5) Proposed maximum lot coverage by building and land use types, i.e., "A", "R-1", "R-2", "R-3", "MF", "MH", "B", "B-1", "C", and "I" expressed in terms of percent or floor area ratio of the lot or site;

(c) General outline of extensive tree cover areas;

(d) Drainage ways and 100-year flood plain limits;

(e) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use, where required;

(f) Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict; and

2 Architectural Drawings

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements, including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals; and

3 Written Documents

In narrative form on 8-1/2" x 11" sheets, including:

- (a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;
- (b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;
- (c) A development schedule indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
- (d) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
- (e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
- (f) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

- (g) Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

SECTION 26 BOARD OF ADJUSTMENT

A. MEMBERSHIP AND ORGANIZATION

There is hereby created a Board of Adjustment which shall consist of the members of the City Council. The Mayor shall serve as chairperson. All cases to be heard by the Board shall be heard by a quorum of the membership.

~~The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with state law or this ordinance. Meetings shall be held in accordance with the Texas Open Meetings Law, at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his/her absence, the vice-chairperson may administer oath and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, including the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator and shall be a public record.~~

B. BOARD PROCEDURES

Appeals can be taken to the board by any person aggrieved by any decision of the Zoning Administrator or his or her designated administrative officer, or by any officer or department of the city. Such appeal shall be filed within fifteen (15) days after the decision has been rendered by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The administrative officer of department concerned shall immediately transmit to the Board all the papers constituting the records upon which the action being appealed is based.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator or his/her designated administrative officer certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reasons of facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

No one may appeal to the Board for a variance on the same piece of property shall be allowed prior to the expiration of one hundred eighty (180) days from a previous ruling of the Board on any appeal to such body unless other property in the immediate vicinity has, within the said one hundred eighty (180) day period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such change of circumstances shall permit the re-hearing of an appeal by the Board, prior to the expiration of one hundred eighty (180) day period, but such conditions shall in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

At a public hearing relative to any appeal, any interested party may appear in person or by his or her agent or attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal or variance request. Any variance granted or authorized by the Board under the provisions of this ordinance shall authorize the issuance of a building permit or certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action of the Board unless said Board shall have in its action approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said ninety (90) day period or such extended period as the Board may have specifically granted, then the variance shall be deemed to have been

waived and all rights there under terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

C. ACTIONS OF THE BOARD

In exercising its powers, the Board may, in conformity with the provisions of the statutes of the State of Texas, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the Zoning Administrator or other administrative official from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or other administrative official, or to decide in favor of the application for a specific use permit on any appearance or any variance.

D. NOTICE OF HEARING BEFORE BOARD REQUIRED

The Board shall hold a public hearing on all appeals requests and variance requests made to it and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred feet (200') of the property on which the appeal is made. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the city at least fifteen (15) days prior to the date set for hearing, which notice shall state the time and place of such hearing.

Additionally, the Zoning Administrator shall erect a sign on the property on which a variance has been requested. The sign shall be erected adjacent to a street if possible and in a conspicuous place. The sign should have an area of four (4) or more square feet. The sign shall state that a request for a variance has been made on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning request may be obtained. The sign should be erected prior to the hearing as early as possible and convenient. The erection and continued maintenance of this sign, however, shall not be deemed a condition precedent to the granting of any zoning variance, or the holding of any public hearing.

E. JURISDICTION OF BOARD

When, in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance and discontinuance of a non-conforming use:

- 1 To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of this ordinance;
- 2 Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in Section 4. D apply;
- 3 Initiate on its own motion or cause presented by interested property owner's action to bring about the discontinuance of a non-conforming use;
- 4 Require the discontinuance of a non-conforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance;

- 5 Permit the change of occupancy of a non-conforming use to another non-conforming use in accordance with the provisions of Section 23;
- 6 Permit the enlargement of a non-conforming use in accordance with the provisions of Section 23;
- 7 Permit the reconstruction of a non-conforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a non-conforming structure beyond what is permitted by Section 23;
- 8 Require the vacation and demolition of a non-conforming structure which is deemed to be obsolete, dilapidated or substandard; and
- 9 Permit such variance such as the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, or building, ~~where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship,~~ or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

F. APPEALS OF BOARD ACTION

Any person or persons, jointly or severally aggrieved by any decision of the Board, any taxpayer or any officer, department, or Board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the decision of the Board and not thereafter.

SECTION 27 DEFINITIONS

For the purpose of this zoning ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.

Words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure," except as otherwise specified. The term "use" means "used or intended to be used for, or arranged or designed for use." The word "shall" is mandatory not directory; the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual. The word "including" means "including, but not limited to."

Abut-Abutting - Having lot lines or boundary lines in common.

Accessory Building - A subordinate building which is incidental to that of the main building on the same lot. Accessory buildings in residential districts shall be limited to: attached or detached garages, carport, servant's quarters, storage building, bath house, greenhouse, bomb or fall-out shelter, stable, and barn.

Accessory Use - A subordinate use which is incidental to the main or primary use.

Adult Arcade - Any place which the public is permitted or invited wherein coin-operated, token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sexual activities or specified anatomical areas.

Adult Bookstore - A commercial establishment which as one its principal business purposes offers for sale or rental for any form of consideration books, magazines, periodicals or other printed matter which are distinguished or

characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features persons who appear in a state of nudity or give live performances which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or by an emphasis on specified sexual activities.

Adult Motel - A hotel, motel or similar commercial establishment which:

- 1 Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- 2 Offers a sleeping room for rent for a period of time that is less than ten hours; or
- 3 Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult Movie Theater - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, video reproductions, slides or other visual representations are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

Adult Video Store - A commercial establishment which as one its principal business purposes offers for sale or rental for any form of consideration photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

Alley - A way which affords only a secondary means of access to abutting property.

Amusement Park - Any building, lot, tract, or parcel of land used in whole or part for the operation and maintenance of a circus, carnival, miniature golf course, golf driving range, batting cages, skating rinks, go-kart racing tracks and/or minstrel shows.

Animal Hospital or Clinic - A facility operated by a veterinarian for the purpose of examining and treating *animals* including outdoor facilities for caring for the animals and allowing the keeping of animals overnight.

Animal Shelter - A facility that keeps impounded stray, homeless, abandoned, or unwanted animals.

Apartment - A room or suite of rooms in an apartment building intended, designed, or occupied as a home or residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Apartment (Multifamily) Building - Any building which is intended, designed, or occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

Arcade - A public place of business where 50% or more of the gross sales are derived from amusement machines. The term amusement machine shall mean every machine of any kind of character whatsoever, when such a machine is capable of use or operations for amusement, other than for the purpose of vending merchandise, music, or a service such as telephone service, laundry service, etc. Included in the description of amusement machines are video games, pinball machines, miniature sports machines, and all other machines which designed for challenge, entertainment, or pleasure.

Asphalt, Concrete Batching Plant - A facility, permanent or temporary, which mixes asphalt or cement with various aggregates and water in large quantities for transport elsewhere.

Attached - Having one or more walls common with a main use building, or joined to main use building by a covered porch or passageway, the roof of which is a part or extension of a main use building.

Automobile/Motor Vehicles - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks (1-ton G.V.W. or less), buses, motor scooters, motorcycles, and recreational vehicles.

Automobile Service Station - Any area of land, including structures, thereon, which are used for the sale of gasoline, oil or other fuels and automobile accessories and which may include facilities for lubricating, washing, cleaning, mechanical repair and other normal servicing of automobiles. Painting is not considered within the scope of "other normal servicing."

Automobile Salvage or Wrecking Yard - An area outside of a building where motor vehicles are disassembled, dismantled, junked or "wrecked," or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Auto Repair Shop - A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

Auto Sales Lot - An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premises.

Bakery, Retail - An establishment which produces bakery goods and various confectionery items, such as rolls, bread, etc. for direct sale to the consumer.

Basement - Means a story below the first story of a building.

Block - That property abutting on one side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

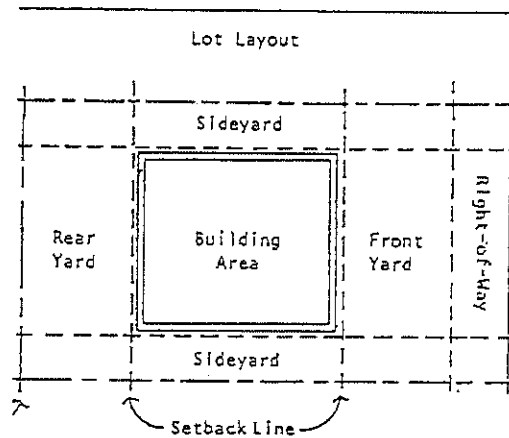
Boarding (Rooming) House - A dwelling wherein lodging or meals for three (3) or more persons, not members of the principal family therein, is provided for compensation, but not including a building in which ten (10) or more guest rooms are provided.

Breezeway - A covered passage one story in height connecting a main structure and an accessory building.

Buffer Area - An area of land together with specified planting and/or structures thereon, which may be required between land uses of different intensities to eliminate or minimize conflicts between such uses.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. When separated by dividing walls without openings, each portion of such structure so separated will be deemed a separate structure.

Building Area - Means the portion of the lot remaining after the required yards have been provided.



Building Line - A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way line.

Building Materials and Lumber Yard - A business which stocks building materials such as; fencing, wire, bricks, cement, and lumber, that is used in constructing buildings and/or landscaping.

1. **Main Use Building** - A building in which the primary activity associated with the lot is conducted. In any residential district, any dwelling will be a primary building.
2. **Accessory Building** - A building customarily incidental and subordinate to the primary building located on the same lot.
3. **Building Site** - A single parcel of land occupied or intended to be occupied by a building or structure.

Building Coverage - The percent of the lot area covered by the building exclusive of all overhanging roofs.

Business - Includes retail, commercial, personal services, excavation, manufacturing and industrial operations and uses.

Business Office - A room or group of rooms where the general administration and affairs of a business, etc., are carried on, but where no actual transactions are conducted.

Cabinet Shop - A building and/or premises used for the design and construction of cabinets, shelves and similar structures for subsequent sales, installation and use in homes, businesses and offices.

Carport - A permanent roofed structure open on at least two sides, designed for the parking and shelter of private passenger vehicles.

Car Wash - A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

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

Cemetery - Land used or intended to be used for the burial of the dead humans, including crematories mausoleums, and mortuaries.

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

Child Care Center or Facility - A facility that provides care or supervision for children who are not related by blood, marriage, or adoption to the owner or operator of the facility for less than 24 hours a day for more than

twelve (12) children under the age of fourteen (14), whether or not the facility is operated for profit or charges for the services it offers.

Child Day Care Home - A facility, sometimes referred to as a "Registered Family Home," that regularly provides care in the caretaker's own residence for not more than six (6) children under the age of fourteen (14) years of age, excluding the caretaker's own children. When more than six (6) children are kept in the home, it shall be considered as either a "Group Day Care Home" or "Child Care Center."

Church or Rectory - A place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, and nuns.

City Council - The governing body of the City of Tatum, Texas.

Clinic - A group of offices for one or more physicians, surgeons, opticians or dentists to treat patients who do not remain overnight.

Community Center - A building used primarily for the social or recreational activities serving the city, neighborhood, or apartment complex.

Conditional Use - A use allowed in a zoning district only if a special use permit is granted by the City Council.

Condominium - See "Townhouse."

Contractor Yard - A building and/or premises for the storage of materials, tools, products and vehicles used in the conduct of a construction business related to heating and air conditioning service, building construction, electrical service, landscaping service, plumbing service, utility service, etc.

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

Country Club (Private) - An area of land containing either a golf course or tennis courts, or both, and a clubhouse and which is available to members only. Country clubs may contain adjunct facilities such as private club, dining room, swimming pool, and other similar recreational or service facilities.

Courtvard - An open, unoccupied space on the same lot with a building and bounded on three (3) or more sides by such building; or the open space provided for access to a dwelling group.

Detached - Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.

Display - The exhibition of vehicles, trailers, boats, goods, wares, or merchandise for sale, rental or lease.

District - A section or sections of the City of Tatum, Texas, for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Distribution Center, Large - A building or group of buildings with cumulative storage space of over 5,000 square feet in area which is used for the storage of merchandise, goods, and wares which are intended to be distributed to other retail or wholesale establishments.

Distribution Center, Small - A building or group of buildings with cumulative storage space not to exceed 5,000 square feet in area which is used for the storage of merchandise, goods, and wares which are intended to be distributed to other retail or wholesale establishments.

Drive-In Restaurant - Any establishment where food, and/or non-alcoholic beverage is sold to the consumer and where motor vehicle parking space is provided and where patrons may be served in their respective vehicles or inside the establishment.

Dry Cleaning or Laundry - Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance(s).

Dwelling or 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.

Dwelling, Single Family - A detached building which is designed for or occupied as a home or residence by not more than one (1) family.

Dwelling, Two-Family - A detached building containing two (2) dwelling units, commonly referred to as a duplex, and which is designed for or occupied as a home or residence by not more than two (2) families.

Dwelling, Multifamily - A building containing three (3) or more dwelling units which is designed for or occupied as a home or residence for three (3) or more families living independently of each other and maintaining separate cooking facilities.

Dwelling, Townhouse or Rowhouse - Three or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Electrical Sales & Service - An establishment selling electrical supplies and parts and/or providing the servicing and installation of electrical equipment and fixtures.

Easement - A right given by the owner of a parcel of land to another person, public agency or private corporation for a specific and limited use of that parcel.

Family - One or more persons living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption, but not including a group occupying a hotel, motel, boarding house, club, dormitory, fraternity or sorority house.

Farm - An area of two (2) acres or more which is used for the growing of farm products such as vegetables and grain as well as the raising thereon of the usual farm poultry and farm animals such as horses, dairy cattle, sheep, and swine.

Farmer's Market - Two or more stands or stalls that are owned, leased, or rented for the display or vending of fruit, vegetables, and other garden or farm crop.

Feed Store - A commercial establishment which sells animal feed; feeding troughs; animal cages, pens, and gates; fencing materials; pesticides; seeds; and other gardening farming, and ranching supplies. The sale of baby chicks, rabbits, guinea pigs, and other similar small or domesticated animals may be permitted only with a specific use permit and in accordance with all ordinances.

Fence - A masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls.

Filling Station or Service Station - Refer to Automobile Service Station.

Fine Arts - Music, painting, sculpture, and including drawing, etchings, ceramics, inlays, needlework, knitting, weaving, and craft work involving leather, wood, metal and glass.

Flea Market - A collection of two or more 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.

Flood Plain - The area outside of the floodway which may be inundated with flood water with an average frequency of occurrence in the order of once in one hundred years, normally referred to as the intermediate regional flood by the U.S. Corps of Engineers.

Floodway - The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge flood waters.

Floor Area - The area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.

Freight Terminal, Motor - A property or building in which freight is brought by common carriers during and is stored for interstate or intrastate shipment by motor truck, including the necessary warehouse space for storage of transitory freight.

Game Hall - A facility open to the public and used primarily for the playing of games of chance, skill, sport or amusement. Such games include but are not limited to the following: dominoes, cards, bingo, billiards, darts, and amusement machines.

Garage Apartment - A dwelling unit for one family attached to a private garage.

Garage, Auto Repair - A building or portion of a building used for the general repair and/or painting of motor vehicles.

Garage, Parking - A building or portion of a building used for the parking and storage of motor vehicles, other than a private garage or a auto repair garage, in which any sale of gasoline, oil, and accessories is only incidental to the storage of the vehicles.

Garage, Private - An accessory building or portion of a main building on the same lot and intended to be used for the parking and storage of private passenger motor vehicles, boats, or other vehicles.

Garage Sale - Shall mean occasional sales at retail by residential owners or occupants conducted in the garage, patio, driveway or yard of the residential premises occupied by the person holding the sale, for the purpose of disposing surplus personal property accumulated incidentally in the regular course of residential occupancy.

Government Office - Any building or facility either owned or leased for use by local, state or federal governments and in which the affairs of the governmental body are carried on.

Grade - When used as a reference point in measuring height of building the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.

Gross Floor Area - The total area of all floors as measured to the outside walls, excluding open porches, breezeways, balconies, and terraces. In computing the gross floor area of residential uses, garages and carports shall be excluded.

Group Day Care Home - A facility that regularly provides care in the caretaker's own residence for seven (7) to twelve (12) children under the age of fourteen (14) years of age, excluding the caretaker's own children.

Group Home - A residential facility licensed by the Texas Department of Human Resources to house up to six (6) handicapped and/or mentally retarded persons and two (2) supervisors.

Halfway House - A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

Heating/Air Conditioning (AC) Sales & Service - An establishment selling heating and air conditioning units, supplies and parts and/or providing the servicing and installation of heating and air conditioning equipment.

Heavy Equipment Sales - A business offering for sale, and including the servicing and repair of, equipment as construction graders, earth movers, backhoes, cement mixer trucks, dirt moving trucks, etc.

Height (of Building) - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the highest ridge board, for gable, hip and gambrel roof.

Historic District - A geographically defined area which possesses significant concentration, linkage, or continuity of buildings, structures, sites, areas, or land, which in turn are united by architectural, historical, archaeological, or cultural importance or significance and which the City Council determines shall be protected, enhanced and preserved.

Historic Landmark - Any building, structure, site, district, area, or land of architectural, historical, archaeological, or cultural importance or significance, which the City Council determines shall be protected, enhanced, and preserved.

Hobby - The engagement of a person in an activity such as music, painting, sculpturing, drawing, etching, ceramics, needlework, knitting, weaving, craft work involving leather, wood, metal and glass, etc. in his or her spare-time activity within his or her premises. Such activity shall be carried on within an enclosed or screened area and shall not involve any activity that requires open storage. No activity which is obnoxious or offensive by reason of vibration, electrical interference, glare, noise, odor, dust, smoke or fumes shall be permitted.

Home Occupation - Any occupation or activity listed in Section 17, "Home Occupation," of this ordinance which is clearly incidental and secondary to the residential use of the premises and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises and which does not change the character thereof. However, such use will not be obnoxious or offensive due to vibration, smoke, dust, odor, heat, glare, noise or which increases traffic.

Hospital - An institution or place where sick or injured patients are kept overnight and given medical or surgical care.

Hotel or Motel - A building or arrangement of buildings designed for and occupied as a temporary abiding place by transient guest who are lodged with or without meals for compensation.

House Trailer - Shall mean a vehicle without automotive power designed for human habitation and for carrying persons and property upon its own structure and for being drawn by a motor vehicle.

Industrial Park - Shall mean a parcel of land which has been planned and/or coordinated for a variety of industrial and related activities and business uses. This development may be on a one parcel or may be subdivided. The project is either owned, controlled or managed by a single entity and has its own master plan and/or covenants, conditions, and restrictions.

Industrialized Housing - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Industrialized Building - A commercial or industrial structure that is constructed on one or more modules or constructed using one or more modular components built at a location other than the permanent site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial or industrial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any commercial structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance.

Junk - Copper, brass, iron, steel, rope, rags, batteries, paper, rubber, tires, pipe, plastic, debris, trash, rubbish, waste, metal, and ferrous or non-ferrous materials which are old, scrapped, discarded, second-hand, or otherwise used.

Junkyard - Any lot or tract of land upon which junk is kept, stored, bought, sold, recycled, or otherwise placed.

Kindergarten or Nursery School - Any facility, whether known or incorporated under such descriptive title or name as "Child Play School," "Child Development Center," "Early Childhood Center," and the like, where six (6) or more children are left for care, training, or education during the day or portion of the day and a fee is charged for this service.

Kennel - Any place or premise where four (4) or more dogs, cats, or other domestic animals at least four (4) months of age are raised, trained, boarded, or kept with or without charge, except for veterinary clinics, animal hospitals, and animal shelters.

Landscaping - Shall mean living plant material, including but not limited to grass, turf, trees, shrubs, natural land forms, water forms, planters; and other landscape features, including walks and plaza areas consisting of enhanced paving, which are a function of the building and not the streetscape.

~~**Laundry** - A building or place where clothes and linens are washed and thoroughly dried and pressed by the use of washing, drying, and ironing machines for fee basis and shall include the term "cleaners," and "dry cleaners."~~

Leather Goods, Retail - A commercial establishment which sells leather materials and supplies or leather goods.

Living Area - Shall include that portion of the dwelling unit which is used or designed for occupancy but does not include carports, garages, and open porches, breezeways, balconies, and terraces.

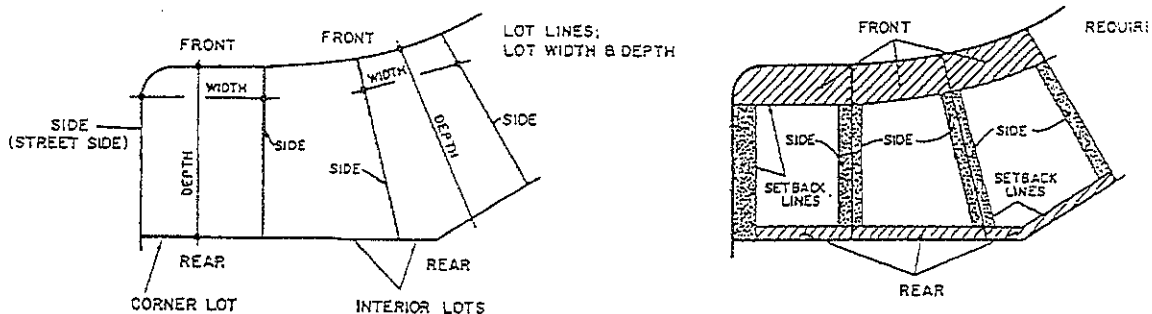
Loading Space - A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of fourteen (14) feet.

Lodging House/Rooming House - A building or place where lodging is provided (or which is equipped to provide lodging regularly) by pre-arrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

Lot - A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, or by a group of buildings and their accessory buildings, and having frontage on a dedicated street.

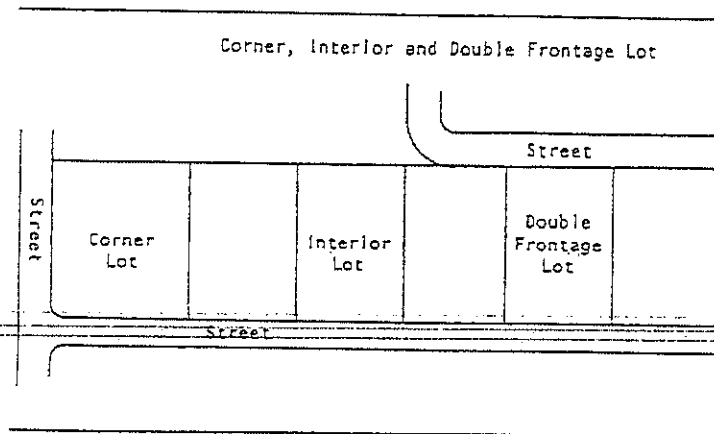
Lot, Corner - A lot abutting on two (2) intersecting streets.

Lot Coverage - The percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.



Lot Depth - The average depth from the front line of the lot to the rear line of the lot.

Lot Double Frontage – A lot with double frontage is a lot having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A lot fronting on a curved street shall also be considered a corner lot if the central angle of the curve is less than 135 degrees.



Lot, Interior - A lot other than a corner lot.

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

Lot Width - The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

Main Building - A building in which is conducted the principal use of the lot on which it is situated.

Manufactured Home (Mobile Home) - A structure that was constructed on or after June 15, 1976 and is transportable in one or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') 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.

Manufactured Home Lot - That part of a parcel of land in a manufactured home park which has been reserved for the placement of one (1) manufactured home unit.

Manufactured Home Park - A parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental of lots to tenants with mobile homes.

Masonry or Masonry Units - Shall mean that form of solid construction composed of stone, brick, concrete, gypsum, hollow clay tile or other similar building units or materials or combination of these materials which must be laid up unit by unit and set in mortar.

Massage Establishment - Any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician, osteopath, chiropractor or a registered nurse or a doctor whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include duly licensed beauty parlors or barber shops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such physician's direction.

Mini-warehouse - A building or group of buildings in a controlled access compound that contains individual, compartmentalized, and controlled access stalls or lockers of varying sizes not to exceed five thousand (5,000) square feet for the storage of merchandise, goods, and wares.

Motel - See "Hotel."

Motor Vehicle - Shall mean every kind of motor driven or propelled vehicle whether required or not required to be registered or licensed under the laws of the State of Texas, including trailers, house trailers, and semi-trailers, and shall also include motorcycles, dirt bikes, or other off-road/all-terrain vehicles.

Neighborhood Convenience Center - Centers which carry convenience goods, such as groceries, drugs, hardware and some variety items, and also may include some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Nightclub or Dance Hall - An establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- 1 Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
- 2 Dancing;
- 3 Any combination of "1" and "2" above.

Nonconformance - A lawful condition of a structure or land which does not conform to the regulations of the zoning district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming Use - The use of a building or land that does not conform to these zoning regulations and which lawfully existed at the time these zoning regulations became effective.

Nudity or a State of Nudity - Having any one, or a combination of any of the following less than opaquely covered:

- 1 Human genitals, pubic region, or pubic hair;
- 2 Female breast or breast below a point immediately above the top of the aureole,
- 3 Human buttock; or
- 4 Any combination of the above.

Nursing Home - See "Convalescent Center."

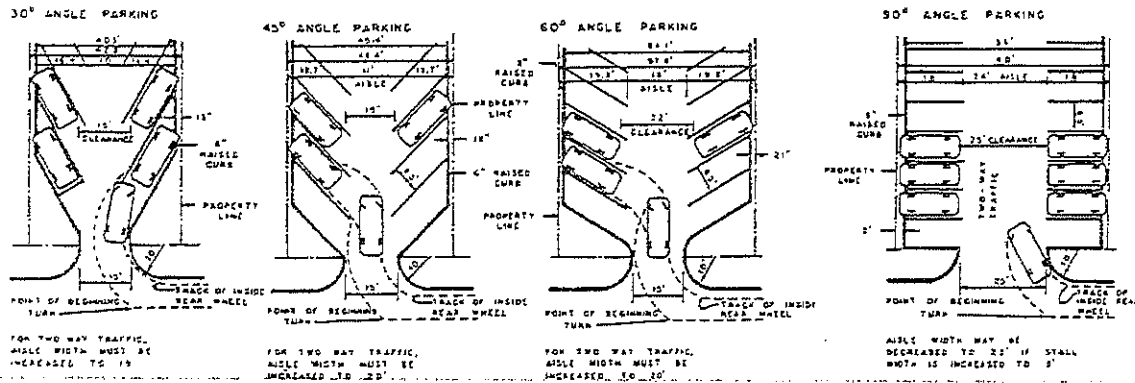
Orchard - An area of one (1) acre or more which is used for the growing of fruit trees.

Park or Playground (Public) - An open recreation facility or park owned and operated by a public agency such as the city or the school district and available to the general public for neighborhood use.

Parking Lot - An unenclosed, all-weather surface area used exclusively for the temporary parking and/or storage of motor vehicles.

Parking Space - An area measuring at least nine (9) feet wide by eighteen (18) feet in length, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking

space with a street or alley permitting satisfactory ingress and egress. For computing off-street parking space requirements, parking spaces on public streets, alleys or rights-of-way shall not be used.



Personal Services - Businesses which provide services customized for an individual generally involving the care of the person or his or her apparel including but not limited to barber and beauty shops, shoe and boot repair, dry-cleaning shops, laundries, reducing salons, and health clubs.

Plant Nursery - An establishment which grows and sells plants, flowers, shrubs, grass and other items typically used as and associated with outdoor landscaping or house plants.

Plumbing Sales & Service - An establishment selling plumbing supplies and parts and/or providing the repair and installation of plumbing and fixtures.

Print Shop - An establishment utilizing letter press, duplicating equipment, rotary presses or Linotype equipment to produce in printed form orders for its clients or customers.

Private Club - Facilities where food, beverages (including alcoholic beverages), entertainment, or meeting space are provided to members only.

Produce Stand - A store, stand or stall used for the display or vending of fruit, vegetables, and other garden or farm crop.

Professional Office - A room or group of rooms occupied by a physician, optometrist, psychologist, chiropractor, dentist, attorney, engineer, surveyor, architect, accountant, planner, management consultant, or any other similar vocation. Veterinary clinics are specifically excluded from this definition.

Ranch - An area of two (2) acres or more which is used for the keeping or raising farm animals and livestock including but limited to horses, mules, cows, cattle, and swine.

Recreational Vehicle - A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling recreational or sporting purposes. The term recreational vehicle shall include, but not be limited to: travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

Recreational Vehicle Park - Any development, site, parcel or tract, of land designed, maintained or intended to be used for the purpose of providing short-term occupancy of camper vehicles, recreational vehicles, tents, or trailers.

- 1 Residential - more than 50% of tenants on site for 2 weeks or more.
- 2 Recreational - more than 50% of tenants on site for 2 weeks or less.

Recycling Collection Facility - A facility designed to collect, sort, and package, by either manual or mechanical processes, recyclable items for transport to a processing plant.

Rental Store - An establishment which offers an array of items such as appliances, furniture, stereo equipment, televisions, etc. at a stated price for a fixed interval of time under a lease or rental agreement.

Restaurant - Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment including cafes, bistros, cafeterias, and other fast food and drive-in food establishments.

Salvage - Shall necessarily include: discarded, abandoned, junked, wrecked, dismantled, worn out, or ruined motor vehicles (including automobiles, trucks, tractor, trailers, and buses) motor vehicle parts, boats, travel trailers, trailers, cranes, machinery or equipment, machinery or equipment parts, and or recreational vehicles; and/or any junk.

Salvage yard - Any lot or tract of land upon which three or more discarded, abandoned, junked, wrecked, dismantled, worn out or ruined motor vehicles, or motor vehicles parts are kept, stored, bought, sold, recycled or otherwise placed, or are disassembled, dismantled, stripped, scrapped, recycled or cut up. This shall include automotive wrecking yard and automotive graveyard.

School - A place having a curriculum for the purpose of giving instruction, training or education in a service, art, trade, or for general knowledge.

Screening (Device) - Any solid fence or wall constructed of metal, brick, masonry or concrete; the vertical surface of which shall be without gaps, except openings for access or any dense, screening shrubs providing a visual barrier, provided such shrubs shall be maintained in a healthy growing condition; or landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Screening Shrubs, Large - Shall mean shrubs with an installed minimum height of three (3) feet as identified below, or any other shrubs which, when mature, shall reach a minimum height of six (6) feet, provide a dense visual barrier, be drought resistant, and possess compact root systems posing minimum danger to integrity of public utilities. The large screening shrubs included on the following list are recommended to be planted to screen incompatible land uses, parking facilities, and dumpsters by forming a visual barrier.

Common Name

Photina

Fraser's Photina

Burford Holly

Chinese Holly

Waxmyrtle

Yaupon Holly

Nellie R. Stevens Holly

Botanical Name

Photina Serrulata

Photina Fraseri

Ilex Cornuta Burfordii

Ilex Cornuta Rotunda

Myrica Cerifera

Ilex Vomitoria

Ilex Cornuta

Screening Shrubs, Small - Shall mean shrubs with an installed minimum height of two (2) feet as hereinafter identified, or any other shrubs which, when mature, shall reach a minimum height of two (2) feet and provides a dense visual barrier. The small screening shrubs included on the following list are recommended to be planted to screen parking lots, playgrounds, ballfields, swimming pools, and tennis courts by forming a visual barrier.

Common Name

Compact Nandina

Dwarf Abelia

Dwarf Burford Holly

Dwarf Yaupon Holly

Botanical Name

Nandina Compacta

Abelia Edward Goucher

Abelia Prostrata

Ilex Cornuta Burfordii Nana

Ilex Vomitoria Nana

Seat - As used in determining parking requirements for this ordinance, a seat shall mean such sitting space as needed or which is designed to be used for one person to sit down and occupy.

Second Hand Store - An establishment specializing in the sale of previously used materials, goods, and merchandise of less than twenty (20) years of age and of that material, goods and merchandise over twenty (20) years of age which do not derive a value as a result of their age.

Servant or Caretaker's Quarters - A secondary dwelling unit located on a lot with a main residential structure and used as living quarters for persons employed on the premises and not for rent or use as a separate domicile by persons other than those employed on the premises or their immediate family.

Service Station - A business establishment where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and the servicing of vehicles occurs, but not including the major overhaul of automobiles, body work, or repair of heavy trucks and equipment. A service station is sometimes referred to as a "gas station, "filling station," or "fuel service station."

Setback - The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms "setback" and "required yard" shall mean the same and can be interchanged.

Sexually Oriented Business - Any commercial enterprise whose primary business is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. This includes, but is not limited to any love parlor, nude modeling studio, adult bookstore, adult movie theater, adult video arcade, adult video store, and adult motel.

Shopping Center or Mall - A planned and coordinated grouping of retail business and service uses on a single site or a combination of sites where special attention is given to on-site vehicular circulation, parking, and building design and orientation.

Sign - An outdoor device or structure which directs attention to a business, commodity, service, announcement, direction or entertainment conducted, sold, or offered to the public.

Sign, Ground - A sign supported by uprights or braces in or upon the ground, or mounted on a vehicle, trailer, or mobile structure.

Sign, Pole - A freestanding sign supported by a freestanding pole and having no guys or braces to the ground or to any structure other than the pole.

Sign, Roof - A sign erected, constructed, or maintained above the roof of any building.

Sign, Wall - A sign affixed to any building wall or structure.

Site Development Plan - A drawing showing the provisions for a proposed project, including such information that enables the drawing to serve as a plat, together with information pertaining to all covenants relating to land use, location and bulk of structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities, and all other reasonable information required by the Planning and Zoning Commission as a part of the review process.

Small Animal Clinic - An office or group of offices for one or more veterinarians engaged in treating diseases or injuries to small domestic animals. Structures are to be soundproof and no outside facilities are permitted.

Special Exception Use - A use that may be allowed if it meets certain specified requirements or conditions and meets the approval of the Board of Adjustments. Specific uses are sometimes referred to as "conditional" uses or "special exceptions".

Special Use Permit - A use that may be allowed if it meets certain specified requirements or conditions and meets the approval of the City Council.

Specified Anatomical Areas - Means human genitals, pubic regions, buttocks and female breast below a point immediately above the top of the aureole.

Specified Sexual Activities - Means and includes the fondling or other erotic touching of human genitals; sexual acts including intercourse, copulation, or sodomy, or masturbation; or excretory functions as part of or in connection with any sexual act or fondling or other erotic touching of human genitals.

Stable, Private - An accessory building used by the residents of the premises for sheltering and quartering of horses owned by the occupants and for which no fee is charged for stabling the horses.

Stable, Public - A lot or tract of land used for the sheltering and quartering of horses for which a fee or charge is made for the stabling of the horses.

Story - That portion of a building, other than a basement, included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it.

Story, Half - The topmost story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story, except that any partial story used for residence purposes shall be deemed a full story.

Street - A public or private thoroughfare or road which affords the principal means of access to abutting property.

Structural Alteration - Any change, addition or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters or trusses.

Structure - Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

Swimming Pool, Private - A recreational facility used for swimming which is used the owners, employees, or residents of the property and their guests.

Swimming Pool, Public - A recreational facility used for swimming which is open to the public for which a membership is required or a fee or charge is made for the use of the facility.

Tack Store - A commercial establishment which sells horse equipment such as saddles, bridles, blankets, riding accouterments, etc.

Television Satellite Dish - An earth-based station shaped like a dish which is used for the reception of satellite signals for television programs.

Tennis Court, Private - A concrete or clay court which is used for the playing of tennis by the owners, employees, or residents of the property and their guests.

Tennis Court, Public - A concrete or clay court which is used for the playing of tennis by the general public and for which membership is required or a fee or charge is made for the use of the facility.

Tool and Equipment Rental - An establishment which offers an array of tools and equipment and machinery such as cranes, backhoes, trucks, tractors, etc. at a stated price for a fixed interval of time under a lease or rental agreement.

Townhouse - A single family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party or common walls or are located immediately adjacent thereto with no visible separation between walls or roofs. This definition shall also include the term "condominium."

Trailer Camp or Park - An area designed, arranged or used for the parking or storing of one or more recreational vehicles, travel trailers, motor homes, motor coaches, pick-up campers, and camping trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Trucks - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people and having a G.V.W.R. in excess of one (1) ton.

Turfs - Shall mean the following list of turfs and any other turfs which can be demonstrated to the building official to be drought resistant.

<u>Common Name</u>	<u>Botanical Name</u>
Bermuda Grass	Cynodon Dactylon
Bermuda Grass hybrids	
St. Augustine	Stenotaphrum Secundatum
Buffalo Grass	Buchloe Dactyloides
Fescue & combinations	Festuca Arundinacea

Underground Shelter - A concrete structure designed for the protection of humans from natural disasters such as tornadoes or from nuclear blast, heat, or fall-out, the main portion of which is underground.

Use - The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Use, Accessory - A subordinate use on the same lot with the principal use and incidental and accessory thereto.

Used Auto Sales Lot - A lot or portion thereof to be used only for the purchase, trade, display, and sale of automobiles that are in condition to be driven on or off the lot, under its own power. Use car lots shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

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.

Veterinary Clinic - An establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed structure. This term shall also include "animal clinic."

Veterinary Hospital - An establishment for the care and medical veterinary practice on or for large animals and household domestic animals and which animals may be boarded during treatment in outside pens, runs or stables. This term shall also include "animal hospital."

Warehouse - A building or group of buildings used for the storage of merchandise, goods, and wares.

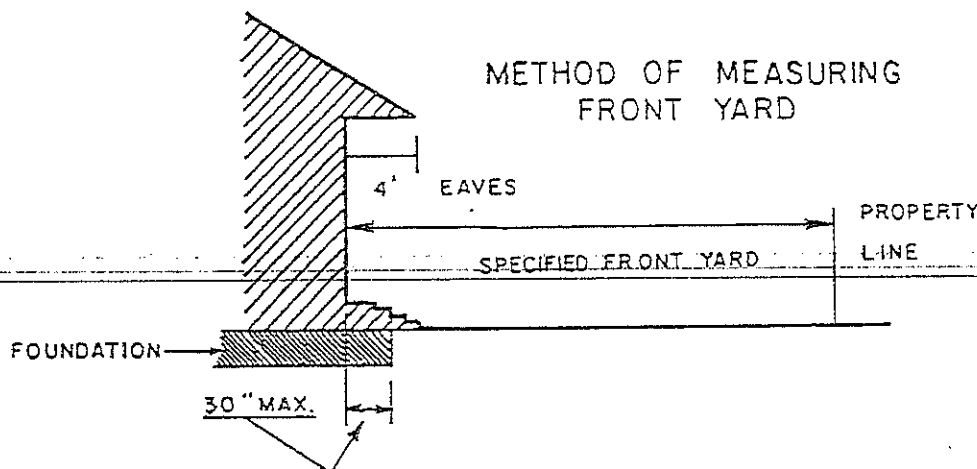
Washateria - A building or place where clothes and linens are washed and thoroughly dried on a self-service basis by the use of washing, drying, and ironing machines and shall include the term "self-cleaning laundry."

Yard - An open space, other than a court, on the same lot with a building and which is not obstructed from ground level to the sky except for roof overhangs, fences, trees, and shrubs.

Yard, Front - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, Rear - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, Side - A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.



SECTION 28 PENALTY FOR VIOLATIONS

Any person violating any of the provisions of this zoning ordinance shall be fined, upon conviction, not more than two hundred dollars (\$200.00), and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided in V.T.C.A., Local Government Code, Section 211.012 and as may be amended, may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

SECTION 29 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this ordinance shall govern.

SECTION 30 PRESERVING RIGHTS (RE: PENDING LITIGATION AND EXISTING ORDINANCES)

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred

prior to the time the existing zoning ordinance was hereby amended, shall be discharged or affected by such amendment; but the prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance has not been amended.

SECTION 31 CONFLICTING ORDINANCES REPEALED AND SEVERABILITY

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

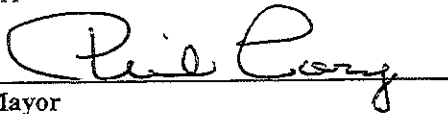
It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 32 EFFECTIVE DATE


This ordinance shall take effect immediately from and after its passage and publication of the caption, as the law in such cases provides.

PASSED and APPROVED by the City Council of the City of Tatum on this the 15th day of July, 2013

Approved:


Mayor

ATTEST:


City Secretary