



ZONING ORDINANCE

City of Terrell, Texas

CITY COUNCIL

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Lori Lindsey, Commissioner
Xan McNutt, Commissioner
Kelsey Wyble, Commissioner

Ordinance 2371 - Passed and Adopted May 20, 2008 - Major Update
Ordinance 2444 - Passed and Adopted December 1, 2009 - Added HC District
Ordinance 2459 - Passed and Adopted August 3, 2010 - Minor Revisions
Ordinance 2499 - Passed and Adopted September 6, 2011 - Added Executive Estate District

Ordinance 2526 - Passed and Adopted March 20, 2012 - Added Non-depository Financial Establishments

Ordinance 2612 - Passed and Adopted October 21, 2014 - Major Update

Ordinance 2653 - Passed and Adopted February 16, 2016 - Added Bail Bond Use and Definition

Ordinance 2654 - Passed and Adopted February 16, 2016 - Accessory Structure Building Height

Ordinance 2658 - Passed and Adopted June 7, 2016 - Check Cash/Payday Lending

Ordinance 2669 - Passed and Adopted September 6, 2016 - Secondhand Thrift Stores

Ordinance 2774 - Passed and Adopted May 7, 2019 - Major Update

Ordinance 2814 - Passed and Adopted December 3, 2019 - Updated CBD and Added Downtown District

Ordinance 2827 - Passed and Adopted March 31, 2020 - Updated CBD

Ordinance 2895 - Passed and Adopted February 15, 2022 - Major Update

Ordinance 2953 - Passed and Adopted January 24, 2023 - Updated Manufactured Home, use charts and definitions

Ordinance 2987 – Passed and Adopted July 18, 2024 – Land Use – Mobile Food Unit

Ordinance 3080 – Passed and Adopted February 4, 2025 – Major Update

Ordinance-3108 – Passed and Adopted August 19, 2025 – Article IV, Section 32-Use Charts & Article V, Section 44 Definitions

Ordinance-3138 – Passed and Adopted September 30, 2025 – 09.01.2025 Legislative Update

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ORDINANCE NO. 3138

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, REPEALING AND REPLACING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell, Texas, finds it necessary to update and revise certain provisions of the Code of Ordinances to better serve the public interest and to align with current practices and applicable laws; and

WHEREAS on the 28th day of August 2025, the Planning and Zoning Commission conducted a public hearing and approved the repeal and replacement of Appendix 2, Zoning Ordinance of the City of Terrell.

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

ARTICLE I.

THAT Appendix 2, Zoning Ordinance of the City of Terrell, is hereby repealed in its entirety. as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

ARTICLE II.

THAT Appendix A, of the Code of Ordinances is here by adopted, as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

ARTICLE III.

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

ARTICLE IV.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE V.

All other provisions of Appendix 2 not expressly modified by this Ordinance shall remain in full force and effect.

ARTICLE VI.

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

PASSED AND APPROVED on this the 16th day of September 2025.

PASSED AND ADOPTED on this the 30th day of September 2025.

E. Rick Carmona, Mayor

ATTEST:

Dawn Steil, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney

I. ENACTING PROVISIONS

SECTION 1 ENACTING CLAUSE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL BY ADOPTING A MAJOR UPDATE TO SAID ORDINANCE AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

SECTION 2 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the City of Terrell’s “Comprehensive Zoning Ordinance” or “Zoning Ordinance”, Ordinance No. 3138.

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City. All provisions, requirements, rules, and regulations contained in this Zoning Ordinance shall be interpreted and applied in accordance with the laws of the State of Texas. This Ordinance shall be deemed to include and incorporate any amendments, modifications, or updates to applicable state statutes or administrative regulations, whether enacted prior to or after the adoption of this Ordinance. To the extent that any provision of this Ordinance conflicts with or is superseded by current or future state law, the state law shall control. The City shall make reasonable efforts to maintain and update the Zoning Ordinance to reflect such legislative changes; however, the applicability and enforceability of any state-mandated requirement shall not be dependent on formal amendment of this Ordinance.

SECTION 3 ZONING DISTRICT MAP

- 3.1 The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the “Zoning Map”, said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.
- 3.2 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as “Official Zoning Map of the City of Terrell, Texas -- Ordinance No. ____”. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. ____ of the City of Terrell, Texas, adopted on the __ day of ____, 2019”. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- 3.3 A copy of the official Zoning District Map shall be placed in the office of the Municipal Development Department. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

Any changes or amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the City Council, together with a descriptive entry on the map as follows: "On the ____ day of _____, 20____, by official action of the City Council of Terrell, Texas, the following change(s) was made on the City's official Zoning District Map: _____ (enter a brief description of the nature of the change), Ordinance No. _____, effective date _____, 20____". Each descriptive entry for a Zoning Map amendment shall be signed by the Mayor and attested by the City Secretary.

- 3.4 In the event that the official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to age, exposure, or the nature or number of changes or additions, the City Council may adopt, by ordinance following a public hearing, a new official Zoning Map which shall replace and supersede the prior Zoning Map, but which shall not, in effect, amend or otherwise change the original official Zoning Map or any subsequent amendment thereto. The new official Zoning Map shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the original Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2526 of the City of Terrell, Texas, adopted on the 20th day of March, 2012". Unless the prior official Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 4 ZONING DISTRICT BOUNDARIES

- 4.1 The zoning district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules shall apply:
- A. Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - B. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries shown as approximately following City limits shall be construed as following such City limits.
 - D. Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
 - E. Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainage-ways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.
 - F. Boundaries shown as parallel to, or extensions of, features described in Subsections "A" through "E" above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
 - G. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way (or to the new property ownership boundary line, if it is

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

- H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
- I. Where physical features on the ground are at variance with information shown on the Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections “A” through “H” above, then the Board of Adjustment shall interpret the zoning district boundaries.
- J. If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as Agricultural District (AG) in the same manner as provided for newly annexed territory.
- K. Zoning changes which are still valid and which were made subject to are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

SECTION 5 COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS

- 5.1 All land, buildings, structures or appurtenances thereon located within the City of Terrell, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per Section 47 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
- 5.2 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.
- 5.3 No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.
- 5.4 Unless otherwise provided herein, no building shall hereafter be erected or altered:
 - 1. To have more narrow or smaller front, side or rear yards than those required by this Ordinance;
 - 2. To exceed the maximum height allowed by this Ordinance;
 - 3. To occupy a greater percentage of lot area than allowed by this Ordinance; or
 - 4. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.

SECTION 6 ZONING UPON ANNEXATION

- 6.1 As soon as practical following annexation, but in no event more than one hundred and eighty (180) calendar days thereafter, the City Council shall, on its own motion or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory, thereupon the Municipal Development Department shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council. For the period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be Agricultural ("AG"), and all zoning and development regulations of the "AG" zoning district shall be adhered to with respect to development and use of the land that has been newly annexed. This interim "AG" zoning classification shall continue until the zoning of the property has been officially changed in accordance with Section 10 of this Ordinance.
- 6.2 The initial zoning of a land parcel, whether or not it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.
- 6.3 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- 6.4 Within an area classified as "AG" (Agricultural):
- A. No permit for the construction of a building or use of land shall be issued by the Municipal Development Department, or his/her designee, other than a permit which will allow the construction of a building or use permitted in the "AG" district, unless and until such territory has been classified in a zoning district other than the "AG" district by the City Council in the manner prescribed by Section 10, except as provided in Subsection "B" below.
 - B. If plans and preparations for developing a property for a use other than those specified in the "AG" district were already in progress prior to annexation of the property into the City of Terrell, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:
 - 1. An application for a building permit for the proposed building or use must be made to the Municipal Development Department of the City of Terrell (or his/her designee) within three (3) months (i.e., within 90 calendar days) after annexation of the property into the City; and
 - 2. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.
 - C. In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the City Council shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the City Council, the Municipal Development Director (or his/her designee) shall notify the Building Official (or his/her designee) of such approval.

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II. ZONING PROCEDURES AND ADMINISTRATION

SECTION 7 NONCONFORMING USES AND STRUCTURES

7.1 INTENT OF PROVISIONS:

- A. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.
- B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

7.2 NONCONFORMING STATUS:

- A. Any use, platted lot or structure which does not conform with the regulations of this Zoning Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Subsection “C” below, shall be deemed a nonconforming use, platted lot or structure provided that:
 - 1. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or
 - 2. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or
 - 3. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment hereto, and except as provided in Subsection “C” below, shall be deemed to be in violation of this Ordinance, and the City shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot or structure.
- C. The following types of platted lots shall be deemed in conformance with the provisions of this Ordinance, notwithstanding the fact that such lot does not meet the standards of this Ordinance in the district in which it is located:
 - 1. Any vacant lot that conformed to the City’s zoning district regulations at the time that it was platted; or

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

7.3 CONTINUING LAWFUL USE OF LAND AND STRUCTURES:

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

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

- A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.
- B. A nonconforming use or structure shall be deemed “abandoned” in the following circumstances:
 1. The use ceases to operate for a continuous period of six (6) months (i.e., 180 calendar days);
 2. The structure remains vacant for a continuous period of six (6) months (i.e., 180 calendar days); or
 3. In the case of a temporary use, the use is moved from the premises for any length of time.

7.5 CHANGING NONCONFORMING USES:

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
- C. A conforming use located in a non-conforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

7.6 EXPANSION OF NONCONFORMING USES AND STRUCTURES:

- A. A nonconforming use may be extended throughout the structure in which it is located, provided that:
 1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
 2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

- 3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- B. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.
- C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

7.7 RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE:

- A. If sixty percent (60%) or more of the total appraised value, as determined by the Kaufman County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.
- B. If less than sixty percent (60%) of the total appraised value, as determined by the Kaufman County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Municipal Development Department.
- C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in Subsection 7.6 above.
- D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Ordinance.
- E. Nothing in this Ordinance shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance are estimated to exceed sixty percent (60%) of the structure's appraised value, as determined by the Kaufman County Appraisal District, at which point the entire structure and all repairs and maintenance shall be reconstructed in conformity with the standards of this ordinance. Cost estimate documentation (bids) shall be submitted with the building permit application in order to verify compliance with this section.

7.8 MOVING OF NONCONFORMING STRUCTURE:

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

7.9 NONCONFORMING LOTS:

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

7.10 RIGHT TO PROCEED PRESERVED:

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

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SECTION 8 PLANNING AND ZONING COMMISSION

8.1 GENERAL:

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

8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

- A. *Planning and Zoning Commission created; composition.* There is hereby created a Planning and Zoning Commission which shall be composed of nine (9) members who shall be resident citizens, taxpayers and qualified voters of the City and who must meet the policy guidelines established by the City Council for all board members of the City of Terrell.
- B. *Appointment and terms of members.* Members of the Commission shall be appointed by a majority vote of the City Council. All appointments to the Planning and Zoning Commission shall be for a term of three (3) years. Vacancies on the Planning and Zoning Commission occurring other than through expiration shall be filled by the City Council to serve a new term.
- C. *Term Limitations.* No appointed office holder shall serve more than three (3) consecutive terms in the position to which the office holder was appointed.
- D. *Absence.* An excused absence must be noted by the Chair of the Commission or the acting Chair at the meeting or at the following meeting by stating the Member and the justification. The only acceptable instances of excused absences shall be major personal or family health events and required travel for employment. The Chair or acting Chair must receive documentation of such prior to stating for the record that the absence shall be considered excused. Members with two (2) consecutive unexcused absences or three (3) total absences for any reason per rolling 12-month period from regular or posted meetings shall automatically forfeit the unexpired portion of their term and shall not be eligible for reinstatement to any City Board or Commission for a two (2) year period. Members with extenuating circumstances may request City Council act to suspend their service for a designated period of time with a temporary replacement.
- E. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation. The Commission shall meet a minimum of once per month, or as required.
- F. The Planning & Zoning Commission shall appoint a Chairperson and a Vice-Chairperson from among its membership and shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible to those governing the city council and shall be subject to approval of such city council. Such bylaws shall include, among other items, provisions for:
 - 1. Regular and special meetings, open to the public;
 - 2. A record of its proceedings, to be open for inspection by the public;
 - 3. Reporting to the governing body and the public, from time to time and annually; and
 - 4. Rules of order and the holding of public hearings on its recommendations.

8.3 **PARLIAMENTARY PROCEDURE; QUORUM; VOTING:**

- A. The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following:
 - 1. **Quorum** - A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
 - 2. **Voting** - All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.
 - 3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists. (refer to Chapter 171, Texas Local Government Code regarding conflicts of interest)

8.4 **MEETINGS; PUBLIC RECORD:**

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

8.5 **ESTABLISHING EXTRATERRITORIAL JURISDICTION:**

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

8.6 **POWERS AND DUTIES:**

- A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code, as amended.
- B. The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning for real property, Zoning and Subdivision Ordinance amendments, zoning to be given to newly annexed areas, approval of plats of subdivisions, and other planning-related matters. The Planning and Zoning Commission shall review the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council, as deemed necessary, to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall also serve in an advisory capacity on any other planning-related matter(s) in the City.

8.7 **PROCEDURE ON ZONING HEARINGS:**

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

8.8 JOINT MEETINGS WITH THE CITY COUNCIL:

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

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SECTION 9 ZONING BOARD OF ADJUSTMENT (ZBA)

9.1 CREATION:

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

9.2 MEMBERS; TERMS OF OFFICE:

- A. The Board shall consist of five (5) regular members, and two alternates who shall be appointed by a simple majority vote of the full City Council, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.
- B. Board members shall serve for a term of three (3) years.
- C. Any vacancy(s) on the Board of a regular member shall first be filled via promotion of an alternate to regular board member status for the remainder of the alternate's term(s). If no alternates are available or if alternate positions are open then vacancies of either regular board members or alternates shall be filled by a simple majority vote of the full City Council.
- D. Term Limitations: No person shall serve more than three (3) consecutive terms as a member of the Board of Adjustment.
- E. Members of the Board may be removed from office for cause on written charge, and after a public hearing, by a simple majority vote of the full City Council. An excused absence must be noted by the Chair of the Commission or acting Chair at the meeting or at the following meeting by stating the Member and the justification. The only acceptable instances of excused absences shall be major personal or family health events and required travel for employment. The Chair or acting Chair must receive documentation of such prior to stating for the record that the absence shall be considered excused. Members with two (2) consecutive unexcused absences or three (3) consecutive unexcused total absences per rolling 12-month period from regular or posted meetings shall automatically forfeit the unexpired portion of their term and shall not be eligible for reinstatement to any City Board of Commission for two (2) year period. Members with extenuating circumstances may request City Council act to suspend their service for a designated period of time with a temporary replacement.
- F. Both regular and alternate members of the Board shall regularly attend all meetings and public hearings of the Board, shall serve without compensation.
- G. The Board shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as Secretary to the Board, and shall keep minutes of all meetings held by the Board. The Secretary shall also set up and maintain a separate file for each application for hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the Post Office. All records and files herein provided for shall be permanent and official records of the City of Terrell. The Secretary shall also immediately notify in writing the City Council, Planning and Zoning Commission, and the Municipal Development Department (MDD) of each decision rendered by the Board in the conduct of its duties.

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

9.3 **MEETINGS:**

- A. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings.
- B. The Board will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Board on the following:
 - 1. **Quorum** - Four (4) members of the Board shall constitute a quorum for the conduct of business.
 - 2. **Voting** - All Board members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present. A simple majority of the membership shall be required to adopt rules, approve meeting minutes or pass other procedural issues. Each case before the Board must be heard by at least 75 percent of the regular members. A lack of a motion or a failure to receive four (4) affirmative votes to grant a variance shall result in the denial of the variance.
 - 3. Alternate members in attendance at a meeting may take part in the discussion of cases before the Board but shall not vote on a case unless they are representing a regular member who is absent.
 - 4. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Board's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists. If a conflict of interest results in less than the required quorum for the Board to take action then an alternate may then be allowed to vote on that item. (Refer to Chapter 171, Texas Local Government Code regarding conflicts of interest)

9.4 **AUTHORITY OF ZONING BOARD OF ADJUSTMENT:**

- A. The Board shall have the authority, subject to the standards established in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
 - 1. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;
 - 2. Authorize, in specific cases, a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done; and
 - 3. Make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the rules in Section 4 of this Ordinance (Zoning District Boundaries) do not apply or are ambiguous.
- B. In exercising its authority under Subsection A.1 above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

- C. The concurring vote of at least four (4) members (75% of the regular members), of the Board is necessary to:
 - 1. Reverse an order, requirement, decision or determination of an administrative official;
 - 2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;
 - 3. Authorize a variance from a provision of this Zoning Ordinance; or
 - 4. Hear and decide special exceptions to a provision of this Zoning Ordinance (see Section 9.6E.).

9.5 LIMITATIONS ON AUTHORITY OF BOARD OF ADJUSTMENT:

- A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.6.
- B. The Board shall have no power to grant or modify Planned Developments, Plats or Specific Use Permits authorized under Section 31B of these regulations.
- C. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither here nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the City Council.
- D. The Board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, or any type of plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board.
- E. No variances shall be granted to allow any prohibited sign, use or activity.
- F. The Board shall not have the authority to grant a variance to any adopted building or electrical code or life safety requirement.

9.6 VARIANCES AND SPECIAL EXCEPTIONS:

- A. The Board may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. For example, if the subject property substantially differs from other similarly zoned land parcels by being of such restricted area, shape or slope that it cannot reasonably be developed in the same manner as other similarly zoned land parcels, then a variance of the building setback, lot width or depth, parking requirement, or other development standard may be warranted. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.8 of this Ordinance and unless the Board of Adjustment finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance; and
5. That a finding of undue hardship exists (see Section 9.6C below).

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

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

1. literal enforcement of the controls will create an unnecessary hardship in the development of the affected property; or
2. the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; or
3. the relief sought will not injure the permitted use of adjacent conforming property; or
4. the granting of a variance will be in harmony with the spirit and purpose of these regulations; or
5. the cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; or
6. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; or
7. compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or
8. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
9. the city considers the structure to be a nonconforming structure.

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

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

1. Expansion of the land area of a nonconforming use, up to a maximum of ten (10) percent; or
2. Expansion of the gross floor area of a nonconforming structure, up to a maximum of ten (10) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property; or
3. In granting special exceptions under this Subsection, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of the Zoning Ordinance.
4. For existing single-family and duplex structures that were constructed prior to the effective date of this Ordinance, the Board may authorize a special exception for any structure that was constructed over a setback line established by this Ordinance.
5. The Board may authorize a special exception for the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire or other cause to the extent of more than sixty percent (60%), but less than the total, of the appraised value of the structure, as determined from the records of the Kaufman County Appraisal District, as of the date of the damage. Such action by the Board shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
6. The Board may authorize a special exception for the enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure closer into compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare.

9.7 **APPEALS TO THE BOARD OF ADJUSTMENT:**

- A. **Authority** - In addition to the authorization of variances and special exceptions from the terms of this Ordinance, the Board shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Board may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board has the same authority as the administrative official. The Board may also hear and decide other matters authorized by the Subdivision Ordinance and other City ordinances regarding land use and development regulations.
- B. **Who May Appeal** - Any of the following persons may appeal to the Board a decision made by an administrative official:
1. A person directly aggrieved by the decision; or
 2. Any officer, department, board or office of the City affected by the decision.

- C. **Procedure for Appeal** - The appellant must file with the Board and the official from whom the appeal is taken a written Notice of Appeal specifying the grounds for the appeal. The Notice of Appeal shall be filed within fifteen (15) calendar days after the decision has been rendered. Upon receiving the Notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustment all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within forty-five (45) calendar days after the written request (i.e., Notice of Appeal) was received. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.
- D. A member of the City Council may not bring an appeal to the Board.

9.8 PROCEDURES:

- A. **Application and Fee** - An application for a variance or a special exception to be heard by the Board, or for an appeal to the Board, shall be made in writing using forms prescribed by the City, and shall be accompanied by an application fee (as set forth by Ordinance of the City Council), a site plan, and any other additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.
- B. **Review and Report by the City** - A representative of the Municipal Development Department shall visit the site where the proposed variance or special exception will apply and the surrounding area, and shall report his/her findings to the Board of Adjustment.
- C. **Notice and Public Hearing** - The Board shall hold a public hearing for consideration of the variance or special exception request no later than forty-five (45) calendar days after the date the application for action, or an appeal, is filed. Written notice of the public hearing for a variance or special exception shall be provided to all property owners, via U.S. mail, within two hundred feet (200') of the affected property at least ten (10) calendar days prior to the public hearing. Notice shall also be published in the official local newspaper before the fifteenth (15th) calendar day prior to the public hearing.
- D. **Action by the Zoning Board of Adjustment** - The Board shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in Section 9.6 has been satisfied. The Board may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance or special exception as are necessary to protect the public health, safety, convenience and welfare. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.
- E. **Burden of Proof** - The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the Board.
- F. **Waiting Period** - No appeal to the Board for the same or a related variance or special exception on the same piece of property shall be allowed for a waiting period of six (6) months (i.e., 180 calendar days) following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the six-month waiting period, been changed or acted upon by the

Board or the City Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a variance or special exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent variance or special exception request. Any subsequent variance or special exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

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

9.9 **FINALITY OF DECISIONS; JUDICIAL REVIEW:**

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

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

10.1 DECLARATION OF POLICY AND REVIEW CRITERIA:

- A. The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
 - 1. To correct any error in the regulations or map;
 - 2. To recognize changed or changing conditions or circumstances in a particular locality;
 - 3. To recognize changes in technology, the style of living, or manner of conducting business; or
 - 4. To change the property to uses in accordance with the City's adopted Comprehensive Plan.
- B. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council shall consider the following factors:
 - 1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;
 - 2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
 - 3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
 - 4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
 - 5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
 - 6. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

10.2 AUTHORITY TO AMEND ORDINANCE:

- A. The City Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any amendment to the Zoning Ordinance text or to zoning district boundaries may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, or may be requested by the owner of real property (or his/her authorized representative).

- B. Consideration for a change in any zoning district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or the City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and verification that he/she is acting as an authorized agent for the property owner.
- C. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Terrell, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Terrell shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

10.3 APPLICATION:

- A. Each application for zoning, rezoning, Planned Development (PD), Specific Use Permit (SUP), or for a text amendment to a provision(s) of this Zoning Ordinance, shall be made in writing on an application form available in the Municipal Development Department office. The application shall be delivered to the Municipal Development Department at least thirty (30) calendar days prior to the date of the public hearing before the Planning and Zoning Commission, and shall be accompanied by payment of the appropriate fee as established by Ordinance. An accurate metes and bounds description of the subject property (or other suitable legal description), a survey (i.e., drawing) exhibit, and other appropriate exhibits (i.e., site plans, maps, architectural elevations, information about proposed uses, etc.) that are determined necessary by the Municipal Development Department shall also be submitted with the zoning application in order to ensure that the request is understood. A Concept Plan, as prescribed in Section 31.A.5 of this Ordinance, shall also be submitted along with any zoning request involving the formation of a Planned Development (PD) district. A Site Plan, as prescribed in Section 31.B.4 of this Ordinance, shall also be submitted along with any zoning request involving a Specific Use Permit (SUP).
- B. All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request. In addition to the above required documentation a certificate from the Kaufman County Tax Office verifying that all taxes, liens and judgments have been paid and/or are current must accompany the application.
- C. **Official Submission Date and Completeness of Application:**
 - 1. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for a zoning change request (that contains all elements and information required by this Ordinance) is submitted to the Municipal Development Department. No application shall be deemed officially submitted until the Municipal Development Department determines that the application is complete and a fee receipt is issued by the City. Failure by the Municipal Development Department to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the "official submission date" shall become the 10th calendar day following

initial receipt of the application by the City.

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

10.4 NOTICE OF PUBLIC HEARING:

- A. **Public Hearing for Zoning Changes Involving Real Property:** For zoning and rezoning requests involving real property (including PD and SUP requests), the Planning and Zoning Commission and the City Council shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as amended).
 1. Notice of the public hearings to occur before the Planning and Zoning Commission and City Council shall be given together by publishing the purpose, time and place of the public hearing (a) in the official newspaper or a newspaper of general circulation in the city; and (b) on the city's internet website before the fifteenth (15th) day prior to the date of the first public hearing.
 2. The City shall post a notice sign not later than the 10th day before the date the zoning commission holds a hearing on a proposed change until the date of a final determination on the proposed change by the City Council.
 - i. The sign must be at least 24-inches long by 48-inches wide and located either one (1.) the property affected by the change; or (2.) a public right-of-way for a change initiated by the City that affects multiple properties; and
 - ii. The City of Terrell shall require applicant to pay for installation and maintenance of zone change signage as part of the initial application fee.
 3. Written notice of the public hearing before the Planning and Zoning Commission shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.
- B. **Public Hearing for Zoning Changes Involving Ordinance Text:** For requests involving proposed changes to the text of the Zoning Ordinance which do not change zoning district boundaries or zoning classifications on any real property, notice of the public hearings to occur before Planning and Zoning Commission and City Council hearings shall be accomplished by publishing the purpose, time and place of the public hearings in the official newspaper of the City before the fifteenth (15th) day prior to the date of the first public hearing. Changes in the Ordinance text that do not change zoning district boundaries (i.e., which do not involve specific real property) and are to be applied city-wide do not require written notification to individual property owners.
- C. **Joint Public Hearings:** The City Council may, by ordinance, conduct a joint public hearing on a zoning, rezoning or Zoning Ordinance text amendment request along with the Planning and Zoning Commission, but the City Council shall not take action on the request until it has received a final recommendation from the Commission. Notification for a joint public hearing shall be accomplished by publishing the purpose, time and place of the joint public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

In accordance with Chapter 211.077 of the Texas Local Government Code, the City Council shall prescribe any other necessary methods of notification for joint public hearings.

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

10.5 **FAILURE TO APPEAR:**

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

10.6 **PLANNING AND ZONING COMMISSION CONSIDERATION & RECOMMENDATION**

- A. **Accordance with Section 8:** The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance and with applicable provisions in the City's Code of Ordinances.
- B. **Tabling of the Decision/Recommendation:** The Planning and Zoning Commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than ninety (90) calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice in the newspaper and to surrounding property owners shall not be required.
- C. **Recommending Approval:** When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions, or disapproval of the request. The request will then be forwarded to the City Council for public hearing.
- D. **Recommending Denial:** If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

10.7 **CITY COUNCIL AUTHORITY & CONSIDERATION**

- A. **City Council Authority:** The City Council, after receiving a recommendation by the Planning and Zoning Commission and after public hearings required by law, may amend, supplement, or change the regulations of this Ordinance or the boundaries of the zoning districts on the Zoning Map.
- B. **Applications Forwarded to the City Council:** After consideration by the Planning and Zoning Commission, all zoning applications shall be automatically forwarded to the City Council for a public hearing following appropriate public hearing notification as prescribed in Section 10.3 above.

- C. **City Council Action on Zoning, Rezoning or Text Amendment Requests:** After a public hearing is held before the City Council regarding the zoning application, the City Council may:
1. Approve the request in whole or in part (if the City Council approves the request, then Subsection 10.7.E will apply),
 2. Deny the request in whole or in part,
 3. Table the application to a future meeting (and specifically citing the City Council meeting to which it is tabled), or
 4. Remand the application back to the Planning and Zoning Commission for further study.
- D. **Protests:** For zoning and rezoning requests involving real property (including PD and SUP requests), a favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or of the land area within two hundred feet (200') of the subject property, in accordance with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "20% rule"). If a protest against such proposed zoning change has been filed with the City Secretary, duly signed and acknowledged by the owners of (a) at least 20 percent of the area of the lots or land covered by the proposed change; (b) except as provided by (c), below, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200' from that area; or (c) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change: (i) has the effect of allowing more residential development than the existing zoning regulation or district boundary; and (ii) does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development. In computing the percentage of land (a) the area of streets and alleys shall be included; and (b) the land area is not calculated individually for each tract of land subject to the proposed change but in the aggregate for all tracts of land subject to the change. For the proposed change to a zoning regulation or district boundary that is protested the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body.
- E. **Final Approval and Ordinance Adoption:** Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the MD Director (or his/her designee) for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the MD Director or his/her designee. The amending ordinance shall be effective at such time that it is adopted by the City Council, signed by the Mayor, and attested by the City Secretary.

10.8 ADMINISTRATION AND ENFORCEMENT:

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

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

10.9 **SCHEDULE OF FEES, CHARGES AND EXPENSES:**

- A. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any zoning or development application or on any appeal.
- B. The City Council, upon the recommendation of the Planning and Zoning Commission, shall determine and adopt a fee schedule for the purpose of recovering a portion of the administrative costs associated with processing zoning and development requests, including public hearings that are called for in this Ordinance. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the City in the review and processing of applications. Immediately upon receipt of a complete submission for a zoning change or other development plan approval (in accordance with Subsection 10.3C above), the City Secretary (or his/her designee) shall issue a fee receipt and shall create a case file as a permanent City record thereof.

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SECTION 11 BUILDING PERMITS; CERTIFICATES OF OCCUPANCY APPROVAL PROCESS

11.1 BUILDING PERMITS REQUIRED:

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the City of Terrell's Municipal Development Department. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a variance or special exception as provided in Subsection 9.6 of this Ordinance. A building permit shall not be issued until the property is properly zoned for the intended use, until the property is platted in accordance with the Subdivision Ordinance, until all outstanding unpaid liens, judgments, citations or other encumbrances are paid in full and released by the City Secretary's office, nor until all appropriate plans have been approved by the City, including, but not limited to, a final plat, detailed site plan indicating all city utility connections and property drainage improvements, a detailed plot plan, a final site plan, landscaping and façade plans, building structural plans, or any other documents as required by the Building Official. All Building Permit Plans shall clearly show in detail existing features, structures, utilities, drainage, fire lanes, access, etc. as well as how the site will be constructed (such as paving, buildings, general physical improvements, landscaping, improvements that currently exist, distances to property lines, infrastructure and drainage upgrades, etc.).

11.2 BUILDING PERMIT APPLICATIONS:

- A. **Purpose:** The purpose of Building Permit Construction Plans are to ensure that projects involving any type of structure are in compliance with all applicable City ordinances and guidelines prior to commencement of construction. This section does not diminish the authority delegated to the Building Official under the City's Building Code.
- B. **Applicability:** This Section establishes a review process for all construction, alterations, repairs, remodeling, additions, or development projects involving any type of structure, electrical, plumbing, mechanical system whether occupied or not, including accessory and temporary structures within any zoning district inside the corporate city limits of Terrell. Building Permit Plans are required in addition to any other types of required plans, such as, Concept Plans, Site Plans, Civil Engineering, Utility Construction Plans, Drainage Facility Construction Plans, etc. if any structural, electrical, plumbing, mechanical, or other types of work are proposed that are subject to the adopted International Building or National Electrical Codes.
- C. **Building Permit & Certificate of Occupancy:** Plans showing the entire scope of work to be performed shall be submitted in conjunction with a building permit application. No building permit application shall be accepted for review until a complete set of plans with all applicable supplementary documentation as required on the Building Permit Checklist is submitted with the application and all other required engineering or public infrastructure construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Building Permit Plans and engineering/construction plans, as approved by the City.
- D. **Extent of Area that should be included in the Building Permit Plans:** When the overall project is to be developed in phases, the construction included in the first phase shall be highlighted in bold lines on the overall site plan included in the building permit plans and subsequent phases shall be indicated by lighter lines (ghost lines) in order that the proposed first phase may be properly evaluated in the context of the entire project.

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

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

1. CITY STAFF REVIEW & APPROVAL OF BUILDING PERMIT APPLICATIONS

- a. Following submittal of a complete application for a building permit in accordance with Section 11.1.A, the City shall review the application. Specifically, the Director of Municipal Development, City Engineer, Director of Utilities, Public Works Director and the Building Official (or their designee) shall review the Building Permit Application.
- b. Each Building Permit Application shall be evaluated to ensure that all projects are constructed according to the City's codes and ordinances.
- c. Following City staff review, the Building Official shall approve, approve subject to certain conditions, or deny the Building Permit Application.

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

1. MINOR REVISIONS/AMENDMENTS

- a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Building Permit Plans. In such cases, the Building Official, or his/her designee, shall have the authority to approve minor modifications to an approved set of Building Permit Plans. Such minor modifications shall be submitted as a "Revised Building Permit Plan," which shall substantially conform to the previously approved Building Permit.
- b. Submission materials and requirements for approval of a Revised Building Permit Plan shall be as determined by the Building Official or his/her designee.

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

H. **Effect of Review/Approval:** The issuance of a Building Permit and payment of all fees shall be considered approval of the Building Permit Plans and authorization to proceed with construction of the project provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

I. **Validity & Lapse of Building Permit Plan Approval:**

1. VALIDITY OF PERMITS: All permits shall be deemed invalid if work does not commence within sixty (60) days of the issuance of the permit or if work authorized on the site by such permit is suspended, stopped or abandoned for a period of sixty (60) days or more after the time the work commenced.
 - a. Any approved Commercial Building Permit Plan shall be deemed expired twelve (12) months from the date on which the Building Permit Plan was originally approved if the project is not substantially complete. An extension of up to six (6) months may be granted upon completion and submission of a written application to the Building

Official prior to the expiration date of the original permit. No more than two (2) extensions may be granted on any project.

- b. All residential permits are valid for a period of nine (9) months from the date of issue. An extension of up to two (2) months may be granted upon completion and submission of a written application to the Building Official prior to the expiration date of the original permit. No more than two (2) extensions may be granted on any project.

2. EXTENSION & REINSTATEMENT PROCEDURE:

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

11.3 CANCELLATION OF BUILDING PERMIT:

- A. Failure of an applicant or any of his/her agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans and the applicable building codes upon which a building permit was issued, when such failure constitutes a violation of any provision of this Ordinance or the adopted Building Codes, shall render such building permit void, and the Building Official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant or his/her agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this Ordinance.

11.4 CERTIFICATE OF OCCUPANCY:

- A. A Certificate of Occupancy shall be required for any of the following:
 - 1. Initial occupancy and use of a new building, new residential structure hereafter erected or structurally altered existing building;
 - 2. Change in tenant or ownership of an existing building or lease space shall require the new occupant to apply for a Certificate of Occupancy before utilities will be released.
 - 3. Change in use of an existing building to a different occupancy or use classification; or change in the use of land to a different zoning classification.
- B. No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Municipal Development Department. The application fee(s) for a Certificate of Occupancy shall be as set forth by ordinance of the City Council.

- C. No certificate of occupancy shall be issued for any building in which any outstanding unpaid liens, judgments, citations or other encumbrances exist and no such use, change of use or occupancy shall take place until the same are paid in full and released by the City Secretary's office or official designee.
- D. Businesses requiring any type of State License, Permit or Registration to operate, such as but not limited to, pawn shops, alcohol sales, barber or beauty salons, massage parlors, tattoo studios, game halls, credit service organizations, etc. shall not be issued a Certificate of Occupancy (C.O.) unless the owner provides proof to the city of a current valid license, permit or registration pertaining to the business in which the C.O. application has been submitted. The revocation, suspension or expiration of such license, permit or registration shall be grounds for the city to revoke or suspend a C.O. until such credentials are renewed or reestablished by the State.
- E. A record of all Certificates of Occupancy shall be kept on file in the Municipal Development Department and copies shall be furnished upon request to any person in accordance with State laws governing public records.
- F. **Procedure for New or Altered Buildings** - Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said Certificate shall be issued after the Municipal Development Department orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the Municipal Development Department. Said Certificate shall be issued by the Municipal Development Department after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this Ordinance and all building codes, city ordinances and state regulations as applicable or adopted. All applications for a Certificate of Occupancy for a restaurant regardless of type of food preparation shall submit a printed copy of the final menu of all foods being served along with the application for the C.O. No temporary utility services (water, electric, or gas) shall be released unless a valid building permit has been issued.
- G. **Contents of Certificate of Occupancy** - Every Certificate of Occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) the name and address of the tenant or occupant 5) description of that portion of the building for which the Certificate is issued; 6) a statement that the described portion of the building has been inspected for compliance with the requirements of the International Code Council (ICC) Building Codes as adopted for the particular group and division of occupancy; 7) the name of the Municipal Development Department representative; 8) use(s) allowed; 9) maximum number of persons/occupants; and 10) issue date of Certificate of Occupancy.
- H. **Posting of Certificate of Occupancy** - The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Municipal Development Department.
- I. **Revocation of Certificate of Occupancy** - The Municipal Development Department may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto. Revocation or suspension of the Certificate of Occupancy may also result in the disconnection of utilities and the removal of meters until such time as the Building Official and/or Fire Marshal determine that all requirements for the reinstatement of the C.O. have been met.

11.5 COMPLETION OF BUILDINGS IN PROGRESS:

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

11.6 OTHER PLAN REQUIREMENTS:

- A. Concept Plans and Site Plans associated with Zoning Change, Planned Development, or Specific Use Permit Applications are to be processed in accordance with Section 10, 31A or 31B as applicable.
- B. Any redevelopment, renovation, or expansion of a nonconforming use or nonconforming structure must meet all of the criteria as set forth in Section 7 of this Ordinance prior to plan approval and the issuance of a building permit.
- C. Any redevelopment, additions, alterations or change in use of existing sites or structures that exceeds 60% of the appraised value of the structures, triggers a requirement for a 10% increase in required parking or materially changes the traffic circulation must undergo plan review and staff approval to verify compliance with all the requirements set forth in this Ordinance prior to the issuance of a building permit or certificate of occupancy.
- D. Civil engineering plans, traffic impact analysis study (TIA), flood studies per FEMA required for a Certified Letter of Map Revision (CLOMR) or other data affecting the construction of the project may require prior City approval of all required plans prior to the issuance of a building permit or certificate of occupancy.

11.7 PAYMENT OF ALL INDEBTEDNESS ATTRIBUTABLE TO THE SUBJECT PROPERTY:

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

SECTION 12 RESERVED

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III. ZONING DISTRICTS

SECTION 13 ZONING DISTRICTS ESTABLISHED

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

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
Base Districts	
AG	Agricultural (minimum 5 acre lots)
TX	Texas Heritage (minimum 3 acre lots)
EE-32	Executive Estate Residential-32 (minimum 32,000 square-foot lots)
EE-64	Executive Estate Residential-64 (minimum 64,000 square-foot lots)
SF-16	Single-Family Residential-16 (minimum 16,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-7.5	Single-Family Residential-7.5 (minimum 7,500 square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000 square-foot lots)
TH	Townhouse Residential (Patio Homes – Zero Lot Line, Single-Family Attached, Two-Family Duplex)
MF	Multi-Family Residential (apartments)
MH	Manufactured Home
O	Office
NE	Neighborhood Edge
NS	Neighborhood Service
R	Retail
CBD	Central Business District
DD	Downtown District
HC	Highway Corridor
C	Commercial
VC	Heavy Commercial
LI	Light Industrial
RT	Research and Technology Park
Overlay Districts	
PD	Planned Development
SUP	Specific Use Permit

- 13.2 A summary of the area regulations for the above zoning districts is included within Table 13-1 in this section.
- 13.3 Certain terms and definitions used within this Ordinance can be found in Section 44.

TABLE 13-1
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SECTION 14 AGRICULTURAL (AG) DISTRICT

14.1 GENERAL PURPOSE AND DESCRIPTION:

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

14.2 PERMITTED USES:

- A. Those uses listed for the AG-Agricultural District in Section 32 – Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

14.3 HEIGHT REGULATIONS:

A. Maximum Height:

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

14.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** Five (5) acres
- 2. **Minimum Lot Width** - Two hundred fifty feet (250')
- 3. **Minimum Lot Depth** - Two hundred fifty feet (250')

B. Size of Yards:

- 1. **Minimum Front Yard** - Forty feet (40')
- 2. **Minimum Side Yard** – twenty-five feet (25') for interior side yard; thirty-five feet (35') for a corner lot on a street.
- 3. **Minimum Rear Yard** - fifty feet (50') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. Parking Regulations

- 1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25'). Driveways in excess of seventy-five feet (75') in length shall be

paved in concrete or asphalt for the first seventy-five feet (75') and the remainder may be constructed of crushed rock in lieu of asphalt or concrete in accordance with Section 33.2.

- 2. **Other** - See Section 33, Off-Street Parking and Loading Regulations
- D. **Minimum Floor Area per Dwelling Unit** –two thousand (2,000) square feet of air-conditioned floor area.
- E. **Architectural Features and Streetscape Amenities** - If the house is located less than seventy-five (75') feet from the front property line then the Architectural and Streetscape requirements of the Executive Estate District shall apply. All front exterior facades must contain at least one window per story.
- F. **Minimum Exterior Construction Standards** – See Section 37.
- G. **Maximum Impervious Surface Coverage** – Thirty percent (30%).

14.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Barns, stables, or other permanent structures designed to house animals shall be located in accordance with the regulations as set forth in the Animal Control Ordinance, Chapter 3 of the Terrell Code of Ordinances as adopted or amended.
- C. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- D. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- E. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- F. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- G. Swimming pools - See Section No. 42.
- H. A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.

- I. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards.
- J. **Other Regulations** – As established in the Development Standards, Sections 33 – 44.

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SECTION 15 EXECUTIVE ESTATE RESIDENTIAL-32 (EE-32) DISTRICT

15.1 GENERAL PURPOSE AND DESCRIPTION:

The Executive Estate Residential-32 (EE-32) District is intended to provide for development of primarily high quality, low-density detached, single-family residences on lots of not less than 32,000 square feet in size, churches, schools and public parks in logical neighborhood units. The EE-32 District includes desirable architectural, land design and streetscape design elements and amenities in order to maximize aesthetic appeal, access to open space and promote efficient vehicular and pedestrian traffic and utility delivery in areas designated by the Comprehensive Plan for high quality, low density residential areas to preserve the rural character and economic stability of the community. Areas zoned for the EE-32 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

15.2 PERMITTED USES:

- A. Those uses listed for the EE-32 District in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

15.3 HEIGHT REGULATIONS:

A. Maximum Height:

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

15.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** – Thirty two thousand (32,000) square feet
- 2. **Minimum Lot Width** – One hundred fifty feet (150')
- 3. **Minimum Lot Depth** - One hundred fifty feet (150')

B. Size of Yards:

- 1. **Minimum Front Yard** – Forty feet (40')
- 2. **Minimum Side Yard** – Fifteen feet (15') for interior side yard; twenty five feet (25') for a non-key corner lot; forty feet (40') for a key corner lot on a street.
- 3. **Minimum Rear Yard** – Thirty five feet (35') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. Parking Regulations:

- 1. **Single-Family Dwelling Unit** – A minimum of three (3) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley on detached garages.

2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the garage face shall be located a minimum of four feet (4') behind the front facade of the house.
 3. **Other** - See Section 33, Off-Street Parking and Loading Regulations.
1. **Minimum Floor Area per Dwelling Unit** – Two thousand Six Hundred (2,600) square feet of air-conditioned floor area.
 2. **Minimum Exterior Construction Standards** – A minimum of two different types of masonry materials (minimum ratio between two materials is 90% primary material with 10% accent) shall be used in combination on the front façade otherwise regulations in accordance with Section 37 apply.
 3. **Required Architectural Features:**
 1. Minimum roof pitch 8:12 or greater.
 2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet whichever is greater with a minimum depth of eight (8') feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
 3. In new subdivisions the same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
 4. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
 5. Roof design must include dormers or combination hip and gable.
 6. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
 7. All front exterior facades must contain at least one window per story.
 4. **Required Streetscape Amenities:**
 1. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. The sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement. Infill development shall place the required sidewalk in the right-of-way.
 2. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
 3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
 4. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.
 5. Decorative street lighting shall be provided along residential streets throughout all new residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).

6. Street layout and design for new subdivisions should include the following elements:
- a. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
 - b. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.
5. **Maximum Impervious Surface Coverage** – Forty percent (40%).

15.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- F. Swimming pools - See Section 42.
- G. Non-chlorinated ponds must be aerated by a fountain or other aeration device to prevent insect vector breeding or other nuisances associated with stagnant water.
- H. A Site Plan shall be required for developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- I. Any nonresidential land use which may be permitted in this district shall conform to the “NS”- Neighborhood Service district standards.
- J. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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SECTION 15A EXECUTIVE ESTATE RESIDENTIAL-64 (EE-64) DISTRICT

15.1 GENERAL PURPOSE AND DESCRIPTION:

The Executive Estate Residential-64 (EE-64) District is intended to provide for development of primarily high quality, low-density detached, single-family residences on lots of not less than 64,000 square feet in size, churches, schools and public parks in logical neighborhood units. The EE-64 District includes desirable architectural, land design and streetscape design elements and amenities in order to maximize aesthetic appeal, access to open space and promote efficient vehicular and pedestrian traffic and utility delivery in areas designated by the Comprehensive Plan for high quality, low density residential areas to preserve the rural character and economic stability of the community. Areas zoned for the EE-64 District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

15.2 PERMITTED USES:

- A. Those uses listed for the EE-64 District in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

15.3 HEIGHT REGULATIONS:

K. Maximum Height:

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

15.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** – Sixty four thousand (64,000) square feet
- 2. **Minimum Lot Width** – One hundred fifty feet (150')
- 3. **Minimum Lot Depth** - One hundred fifty feet (150')

B. Size of Yards:

- 1. **Minimum Front Yard** – Forty feet (40')
- 2. **Minimum Side Yard** – Fifteen feet (15') for interior side yard; twenty five feet (25') for a non-key corner lot; forty feet (40') for a key corner lot on a street.
- 3. **Minimum Rear Yard** – Thirty five feet (35') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. Parking Regulations:

- 1. **Single-Family Dwelling Unit** – A minimum of three (3) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley on detached garages.

2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the garage face shall be located a minimum of four feet (4') behind the front facade of the house.
3. **Other** - See Section 33, Off-Street Parking and Loading Regulations.
6. **Minimum Floor Area per Dwelling Unit** – Two thousand Six Hundred (2,600) square feet of air-conditioned floor area.
7. **Minimum Exterior Construction Standards** – A minimum of two different types of masonry materials (minimum ratio between two materials is 90% primary material with 10% accent) shall be used in combination on the front façade otherwise regulations in accordance with Section 37 apply.

8. **Required Architectural Features:**

8. Minimum roof pitch 8:12 or greater.
9. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet whichever is greater with a minimum depth of eight (8') feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
10. In new subdivisions the same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
11. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
12. Roof design must include dormers or combination hip and gable.
13. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
14. All front exterior facades must contain at least one window per story.

9. **Required Streetscape Amenities:**

7. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. The sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement. Infill development shall place the required sidewalk in the right-of-way.
8. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
9. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
10. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of

drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.

11. Decorative street lighting shall be provided along residential streets throughout all new residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).

12. Street layout and design for new subdivisions should include the following elements:

- c. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
- d. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.

10. Maximum Impervious Surface Coverage – Fifty percent (50%).

15.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- L. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- M. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- N. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- O. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- P. Swimming pools - See Section 42.
- Q. Non-chlorinated ponds must be aerated by a fountain or other aeration device to prevent insect vector breeding or other nuisances associated with stagnant water.

- R. A Site Plan shall be required for developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- S. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards.
- T. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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

16.1 GENERAL PURPOSE AND DESCRIPTION:

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

16.2 PERMITTED USES:

- A. Those uses listed for the SF-16 district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

16.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.
3. Other requirements (see Section 38).

16.4 AREA REGULATIONS:

A. Size of Lots:

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

B. Size of Yards:

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

C. Parking Regulations:

1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley on detached garages.
2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the garage face shall be located a minimum of four feet (4') behind the front facade of the house.
3. **Other** - See Section 33, Off-Street Parking and Loading Regulations.

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

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

F. **Required Architectural Features:**

1. Minimum roof pitch 8:12 or greater.
2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet whichever is greater with a minimum depth of eight (8) feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
3. In new subdivisions the same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
4. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
5. Roof design must include dormers or combination hip and gable.
6. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
- a. All front exterior facades must contain at least one window per story.
- 7.

G. **Required Streetscape Amenities:**

1. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. The sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement. Infill development shall place the required sidewalk in the right-of-way.
2. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
4. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.
5. Decorative street lighting shall be provided along residential streets throughout all new residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).
6. Street layout and design for new subdivisions should include the following elements:
 - a. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
 - b. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.

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

16.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- F. Swimming pools - See Section 42.
- G. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- H. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.
- I. Other Regulations - As established in the Development Standards, Sections 33 – 44.

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

17.1 GENERAL PURPOSE AND DESCRIPTION:

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

17.2 PERMITTED USES:

- A. Those uses listed for the SF-10 district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

17.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
- 2. One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.
- 3. Other requirements (see Section 38).

17.4 AREA REGULATIONS:

A. Size of Lots:

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

B. Size of Yards:

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

C. Parking Regulations:

- 1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley on detached garages.
- 2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the garage face shall be located a minimum of four feet (4') behind the front facade of the house.
- 3. **Other** - See Section 33, Off-Street Parking and Loading Regulations

- D. **Minimum Floor Area per Dwelling Unit** – Two thousand (2,000) square feet of air-conditioned floor area.
- E. **Minimum Exterior Construction Standards** – See Section 37.
- F. **Required Architectural Features:**
1. Minimum roof pitch 6:12 or greater.
 2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet with a minimum depth of eight (8') feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
 3. In new subdivisions the same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
 4. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
 5. Roof design must include dormers or combination hip and gable.
 6. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
 7. All front exterior facades must contain at least one window per story.
- G. **Required Streetscape Amenities:**
1. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. The sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement. Infill development shall place the required sidewalk in the right-of-way.
 2. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
 3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
 4. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.
 5. Decorative street lighting shall be provided along residential streets throughout all new residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).
 6. Street layout and design for new subdivisions should include the following elements:
 - a. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
 - b. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.
- H. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

17.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- F. Swimming pools - See Section No. 42.
- G. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- H. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.
- I. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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

18.1 GENERAL PURPOSE AND DESCRIPTION:

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

18.2 PERMITTED USES:

- A. Those uses listed for the SF-7.5 district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

18.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
- 2. One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.
- 3. Other requirements (see Section 38).

18.4 AREA REGULATIONS:

A. Size of Lots:

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

B. Size of Yards:

- 1. **Minimum Front Yard** – Twenty-five feet (25')
- 2. **Minimum Side Yard** – Seven feet (7') for interior side yard; ten feet (10') for a non-key corner lot on a street; twenty-five feet (25') for a key corner lot on a street.
- 3. **Minimum Rear Yard** – Twenty five feet (25') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 35 for exceptions.)

C. Parking Regulations:

- 1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley on detached garages.
- 2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the garage face shall be located a minimum of four feet (4') behind the front facade of the house.
- 3. **Other** - See Section 33, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – Two thousand (2,000) square feet of air-conditioned floor area. Except for infill development (single-family lots originally platted prior to May, 2008), the minimum shall be one thousand seven hundred fifty (1,750) square feet of air-conditioned floor area.

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

F. **Required Architectural Features:**

1. Minimum roof pitch 6:12 or greater.
2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet with a minimum depth of eight (8') feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
3. The same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
4. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
5. Roof design must include dormers or combination hip and gable.
6. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
7. All front exterior facades must contain at least one window per story.

G. **Required Streetscape Amenities:**

1. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. The sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement. Infill development shall place the required sidewalk in the right-of-way.
2. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
4. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.
5. Decorative street lighting shall be provided along residential streets throughout all new residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).
6. Street layout and design for new subdivisions should include the following elements:
 - a. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
 - b. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.

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

18.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- F. Swimming pools – See Section 42.
- G. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- H. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards.
- I. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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

19.1 GENERAL PURPOSE AND DESCRIPTION:

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

19.2 PERMITTED USES:

- A. Those uses listed for the SF-6 district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

19.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
- 2. One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.
- 3. Other requirements (see Section 38).

19.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** - Six thousand (6,000) square feet
- 2. **Minimum Lot Width** – Sixty-five feet (65')
Infill Redevelopment option (a) – Fifty feet (50')
Infill Redevelopment option (b) – Fifty feet (50')
- 3. **Minimum Lot Depth** - One hundred feet (100')

B. Size of Yards:

- 1. **Minimum Front Yard** – Twenty-five feet (25')
- 2. **Minimum Side Yard** – Six feet (6') for interior side yard; fifteen feet (15') for a non-key corner lot on a street; twenty-five feet (25') for a key corner lot on a street.
Infill Redevelopment option (b) – five feet (5')
- 3. **Minimum Rear Yard** – Twenty five feet (25') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 35 for exceptions.)
Infill Redevelopment option (b) – Twenty-five feet (25') for the main building, ten-feet (10') for enclosed garage or carport.

C. Parking Regulations:

- 1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway with a minimum width matching the width of the garage shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from the rear of the sidewalk to the garage door.

2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the garage face shall be located a minimum of four feet (4') behind the front façade of the house.
3. **Infill redevelopment** – (originally platted prior to May, 2008) – All infill redevelopment shall either:
 - a. Meet the requirements for new development of a SF-6 Single Family Dwelling unit, in such case a minimum dwelling size shall be 1,600 SF; OR.
 - b. Provide a minimum of four (4) fully screened spaces in the side and rear yard, two of which shall be enclosed or covered (carport). Such four (4) spaces shall be behind a minimum six-foot (6') gate located two feet (2') behind the front façade of the house. The gate shall be accessed by a paved driveway having a minimum length of twenty-feet (20') as measured from the rear of the sidewalk to the gate. Eight-foot (8') privacy screening fence required for side and rear yard. All enclosed or covered parking shall be located no less than ten-foot (10') from the rear property line and five-feet (5') from the side property line. In such case, the minimum dwelling unit size shall be 1,100 SF and the side yard setback shall be five-feet (5') on the non-driveway side and fifteen-feet (15') on the driveway side.

For either option (a) or (b) above, the Municipal Development Director may approve minor variations due to corner lot configuration, drainage easements, and other site-specific issues within existing platted lots.

4. **Nonconforming redevelopment** – When reconstructing existing structures deemed nonconforming as per Section 7, owners may reconstruct or repair existing structures using square footage as originally constructed.
 5. **Other** - See Section 33, Off-Street Parking and Loading Regulations
- D. **Minimum Floor Area per Dwelling Unit** – Two thousand (2,000) square feet of air-conditioned floor area. Except for infill development (single-family lots originally platted prior to May, 2008), the minimum for those consistent with 19.4.C.3(a) shall be one thousand six hundred (1,600) square feet of air-conditioned floor area, or for those consistent with 19.4.C.3(b) one thousand one hundred (1,100) square feet of air-conditioned floor area.

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

F. **Required Architectural Features:**

1. Minimum roof pitch 6:12 or greater.
2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet with a minimum depth of eight (8') feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
3. The same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
4. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
5. Roof design must include dormers or combination hip and gable.
6. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
- a. All front exterior facades must contain at least one window per story.

G. Required Streetscape Amenities:

1. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. (sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement)
2. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
4. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.
5. Decorative street lighting shall be provided along residential streets throughout all residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).
6. Street layout and design should include the following elements:
 - i. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
 - ii. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.

H. Maximum Impervious Surface Coverage – Sixty percent (60%). Infill Redevelopment option (b) – Seventy-five percent (75%).

19.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

- E. Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- F. Swimming pools Section 42.
- G. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- H. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards.
- I. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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

20.1 GENERAL PURPOSE AND DESCRIPTION:

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

20.2 PERMITTED USES:

- A.
 1. Those uses specified in Section 32 (Use Charts).
 2. Single-family detached dwellings (must meet all the lot requirements of SF-6 zoning and the building requirements of SF-7.5 zoning).
 3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 31B.
 4. Such uses as may be permitted under the provisions of Temporary Use Permits, Section 38.10.

20.3 HEIGHT REGULATIONS:

- A. Maximum Height:**
1. Two and one-half (2.5) stories, and not exceed thirty-six feet (36') for the main building/house.
 2. One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.
 3. Other (see Section 35).

20.4 AREA REGULATIONS:

- A. **Size of Lots:**
1. **Maximum Density** – eight (8) units per gross acre of land within the non-floodplain area of the development.
 2. **Minimum Project Size (Floodplain excluded)** – Infill development four (4) acres; new development - four (4) acres.
 3. **Maximum Project Size** – eight (8) acres.
 4. **Minimum Lot Area** – 3,500 sq. ft. per dwelling unit
6,000 sq. ft. if unit is on corner lot
 5. **Minimum Lot Width** –Thirty-Five feet (35’); or sixty feet (60’) if unit is on a corner lot
 6. **Minimum Lot Depth** - One hundred feet (100’)

- ### B. Size of Yards:

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

adjacent to a street.

3. **Minimum Rear Yard** - Fifteen feet (15') for the main building; twenty-five feet (25') from a garage to an alley; ten feet (10') from a main building to an accessory building. Accessory buildings (other than garages) maybe placed three feet (3') from rear or side property line. (See Section 35 for additional accessory building requirements)
- C. **Maximum Lot Coverage:** Forty percent (40%) by main buildings; not to exceed sixty percent (60%) total impervious area including accessory buildings, driveways and parking areas.
- D. **Required Architectural Features:**
 1. Minimum roof pitch 6:12 or greater.
 2. Each front door entry to each individual household requires a porch with a minimum porch width of twelve (12') feet with a minimum depth of eight (8') feet..
 3. Roof design must include dormers or combination of hip and gable.
 4. Buildings with five or more units shall have both vertical and horizontal articulation to reduce the apparent bulk and mass of the building with front facade projections or recesses and roof forms that visually break up the roof line.
 5. All front exterior facades must contain at least one window per story.



Desirable Front Facade and Roof Articulation



Undesirable - Inadequate Front Facade and Roof Articulation

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

F. **Parking Regulations:**

1. **Each Dwelling Unit** - A minimum of two (2) parking spaces which must be enclosed and placed a minimum 4 feet behind the front building line and on the same lot as the main structure. All parking shall be accessed from the rear of the structure (rear loaded) unless physical lot constraints prevent rear loading, in such case side load garages are acceptable.
2. Side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage to the side property line for maneuvering. The minimum setback from any garage door to a property line, street or alley right-of-way line shall also be twenty five feet (25').
3. **Other** - (See Section 33, Off-Street Parking and Loading Requirements)

G. **Minimum Floor Area per Dwelling Unit** – Two thousand (2,000) square feet of air-conditioned floor area. Except for infill development (single-family lots originally platted prior to May, 2008), the minimum shall be one thousand six hundred (1,600) square feet of air-conditioned floor area.

20.5 **OPEN SPACE REQUIREMENTS:**

1. **Usable Open Space Requirements** - Except as provided below, any new townhouse subdivision shall provide useable open space (not flood plain) which equals or exceeds ten (10%) percent of the gross platted area, rights-of-way for collector and larger sized streets. Useable open space shall not be required for a development if it contains forty (40) or fewer lots or dwelling units, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by zoning to not permit patio home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. All developments with more than forty (40) dwelling units will provide useable open space at the rate of 500 square feet per unit with a minimum of 20,000 square feet.
2. **Specific Criteria for Usable Open Space** - Areas provided as usable open space shall meet the following criteria:
 1. All Townhome residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.
 2. Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten (10%) percent. At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may give full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and/or the surrounding area.
 3. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.
 4. Within useable open space areas, there shall be at least one (1) tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum

three-inch (3") caliper.

5. A useable open space area must have at least 250 feet of street frontage to ensure that the area is accessible to residents of the subdivision.
6. Useable open space areas must be easily viewed from adjacent streets and homes.
3. **Credit for Off-Site Open Space** - At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may allow up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Planning and Zoning Commission and/or City Council. The guidelines below may assist in considering if credit is appropriate:
 1. **Adjacency** - Is at least fifteen (15%) percent of the townhouse district development's boundary adjacent to park land?
 2. **Accessibility** - Are there defined pedestrian connections between the development and the park land?
 3. **Usability** - Is the park land immediately adjacent to the development suitable for use by residents?
 4. **Design Integration** - Does the design of the development provide a significant visual and pedestrian connection to the park land?
4. **Landscaped Areas** - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

20.6 SPECIAL REQUIREMENTS:

- A. On zero-lot-line Patio Homes a minimum six foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24") inches.
- B. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land, open space and/or facilities.
- C. **Refuse Facilities** - Every single-family attached dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 36.2(F) of this Ordinance.
- D. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- E. A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one

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

- F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- G. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on three (3) or more acres.
- H. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- I. Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2") inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- J. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards.
- K. **Other Regulations** - As established in the Development Standards, Sections 33 through 44

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

21.1 GENERAL PURPOSE AND DESCRIPTION:

The Multi-Family Residential (MF) District is an attached mixed-use residential district intended to provide the highest residential density in close proximity to retail and employment centers. The principal permitted land uses shall include nonresidential uses on the street level with multiple-family dwellings above or live/work units on the street level with multi-family dwellings above. All Multi-family structures shall be located facing public street frontages with a minimum ten feet (10') wide landscape buffer and a maximum of two (2) rows of parking for the nonresidential uses located on the ground floor. Residential parking shall be located at the rear of the structures. This district shall be located adjacent to Neighborhood Services (NS), Retail (R), Central Business District (CBD), Highway Corridor (HC), Commercial (C), or Light Industrial (LI) Districts and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development as well as support for retail or employment centers. Live/work units are defined as ground floor units structurally designed to accommodate nonresidential uses with a home-based occupation, office or small scale low impact retail business (i.e. ADA accessibility built-in for example) which typically start out as residential dwelling units but can be also be used for permitted fulltime nonresidential uses. Lease contract shall not prohibit or eliminate allowed live-work or other nonresidential uses. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. Areas zoned for the MF District shall have, or shall make provision for, City of Terrell water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns.

21.2 PERMITTED USES:

- A. Those uses listed for the MF district in Section 32 Use Charts as "P" or "T" are authorized uses permitted by right or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10). Permitted nonresidential uses in ground floor or street level units shall be based exclusively on the uses designated with a "P" in the Use Tables (Section 32.2) Charts 6, 7 and 8 under the Neighborhood Services (NS) District with the following exceptions which are not allowed: restaurants or food preparation of any kind. No Specific Use Permits (SUP) shall be allowed.
- B. Nonresidential business uses shall only be allowed to operate or be open for business between 8:00 a.m. to 8:00 p.m. daily.

21.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Five (5) stories, and not to exceed seventy-five feet (75'), for the main building(s). Buildings exceeding three (3) stories in height shall observe a setback distance of seventy-five-feet from any single-family residential property line.
- 2. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
- 3. Other requirements (see Section 38).

21.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** – The minimum lot (i.e., project) size shall be ten (10) acres, maximum project size shall not exceed fifteen (15) acres (calculated on gross acreage).
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred feet (100')

B. Size of Yards:

1. **Front Yard** – Variable – minimum is based on ten feet (10') wide landscape buffer, one (1) row of parking with drive aisle, and ten feet (10') wide yard between parking and front façade of building. Maximum front yard is based on the same buffer requirements as above but with no more than two (2) rows of parking. Dimensions may vary slightly due to parking spaces being configured as parallel, angled or head-in. All areas adjacent to a street shall be deemed front yards. Street frontages that face a single-family residential or townhouse district may have residential units on the first floor in which case the front yard requirement shall be the same as the residential district (15–25 feet typically) in order to form a more compatible streetscape.
2. **Minimum Side and Rear Yard** - Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
 - a. One-story building – twenty-five feet (25')
 - b. Two-story building – fifty feet (50')
 - c. Over two-story building – seventy-five feet (75')
3. **Building Separation:**
 - a. One-story buildings - Fifteen feet (15') for buildings without openings; twenty feet (20') for buildings with openings
 - b. Two-story buildings (or a two-story building adjacent to a one-story building) - Twenty feet (20') for buildings without openings; twenty-five feet (25') for buildings with openings
 - c. Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) - Twenty-five feet (25') for buildings with or without openings
 - d. Between a main building and an accessory building – ten feet (10')

C. Minimum Floor Area per Dwelling Unit:

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

D. Maximum Impervious Surface Coverage – Seventy-five percent (75%) total impervious area including main buildings, accessory buildings, driveways and parking areas.

E. Parking Regulations:

1. Two (2) spaces for each dwelling unit
2. One (1) space for each 300 square feet of nonresidential space on the ground floor.
3. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
4. No parking space may be located closer than ten feet (10') from any building or closer than two feet (2') from any side or rear lot line.
5. All parking areas adjacent to public streets shall be screened by a minimum ten feet (10') wide landscape buffer. Screening may be in the form of live plant materials, berms, low

masonry walls that match the exterior finish of main buildings, or any combination of the above. Sidewalks and signage may be located in the landscape buffer.

6. See Section 33, Off-Street Parking and Loading Requirements, for additional requirements.

F. **Sign Regulations:** One (1) single or multi-tenant monument business sign shall be permitted per three hundred feet (300') of street frontage with no more than twenty-five square feet per tenant or address. One (1) business sign may be wall mounted near the entrance not to exceed fifteen square feet in size. No business signs are permitted to be mounted above the first floor of any building.

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

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

21.5 SPECIAL REQUIREMENTS:

A. **Landscape Area Requirements** – See Section 34 for landscaping requirements in addition to those listed above.

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

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

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

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

F. Open storage is prohibited.

G. All points on the exterior facades of all buildings shall be within the prescribed distance of a dedicated fire lane easement as measured by an unobstructed pathway, or route, for fire hoses, in accordance with the adopted International Fire Code, National Fire Protection Association Life Safety Code 101 (NFPA 101), or as determined by the Fire Marshal.

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

I. All front exterior facades must contain at least one window per story.

- J. Buildings shall not exceed two hundred feet (200') in length.
- K. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- L. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- M. Permitted nonresidential uses in ground floor or street level units shall be based exclusively on the uses designated with a "P" in the Use Tables (Section 32.2) Charts 6, 7 and 8 under the Neighborhood Services (NS) District. No Specific Use Permits (SUP) shall be allowed.
- N. All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- O. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets (see the Subdivision Ordinance).
- P. Architectural requirements for apartments shall be required to follow Section 20 D of this ordinance.
- Q. **Other Regulations** - As established in the Development Standards, Sections 33 – 44.

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SECTION 22 Texas Heritage (TX) DISTRICT

22.1 GENERAL PURPOSE AND DESCRIPTION

The Texas Heritage (TX) District is intended to provide for development of primarily high quality, but small scale home based agricultural and hobby ranch uses in combination with low density detached, single-family residences on lots of not less than three acres in size, in addition to churches, schools and public parks in logical neighborhood units. The TX District includes desirable agricultural and ranch elements, architectural, land design and streetscape design elements and amenities in order to maximize aesthetic appeal, access to open space and promote efficient vehicular and pedestrian traffic and utility delivery in areas designated by the Comprehensive Plan for agriculture or high quality, low density residential areas to preserve the rural character and economic stability of the community. Areas zoned for TX District shall have, or shall make provision for, City of Terrell water and sewer services. On-site sewer is an acceptable long-term solution when developed according to the standard herein. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

22.2 PERMITTED USES:

- A. Those uses listed for the TX District in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

22.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Three stories, and not to exceed forty five feet (45'), for the main building/house.
- 2. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36') for other accessory buildings, including detached garage, barn, garden shed, gazebo, etc.
- 3. Other requirements (see Section 38).

22.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** – Three acres
- 2. **Minimum Lot Width** – Two hundred feet (200')
- 3. **Minimum Lot Depth** - Two hundred fifty feet (250')

B. Size of Yards:

- 1. **Minimum Front Yard** – Forty feet (40')
- 2. **Minimum Side Yard** – Twenty Five feet (25') for interior side yard; twenty five feet (25') for a non-key corner lot; forty feet (40') for a key corner lot on a street.
- 3. **Minimum Rear Yard** – Fifty feet (50') for the main building and any accessory building(s). (See Section 35 for exceptions.)

C. Parking Regulations:

- 1. **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the

garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley on detached garages. Any portion of the drive further than 50 ft from the street may be rock or gravel with the exception that any portion of the driveway within 30 ft of the primary residential garage entrance shall be paved.

2. No garage door shall face towards the front property line but shall be rear or side loaded only.
3. **Other** - See Section 33, Off-Street Parking and Loading Regulations.

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

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

F. **Required Architectural Features:**

1. Minimum roof pitch 8:12 or greater.
2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve (12') feet whichever is greater with a minimum depth of eight (8') feet. No portion of the garage shall extend into the front yard beyond the porch support columns.
3. In new subdivisions the same floor plan and elevation shall not be duplicated for five lots on the same side of the street or for three (3) lots on the opposite side of the street. (Mirror image floor plans are considered duplicates for the purpose of lot spacing)
4. Roof design must include dormers or combination hip and gable.
5. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
6. All front exterior facades must contain at least one window per story.

G. **Required Streetscape Amenities:**

1. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. The sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement. Infill development shall place the required sidewalk in the right-of-way.
2. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in accordance with Section 34.6.
3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plant List" in Section 34).
4. Mailboxes shall be constructed of masonry materials which match the main residential structure and located at the edge of pavement in such a way so as not to obscure the vision of drivers exiting driveways into the street. Addresses shall be placed in a visible location on both the house and on the mailbox in accordance with the Building Code.
5. Decorative street lighting shall be provided along residential streets throughout all new residential developments, providing low illumination ("Dark Sky" compliant – see Section 40) with solar controls on decorative poles with a maximum spacing of four hundred (400') feet between lights placed on alternating sides of the street in accordance with the current Street Lighting Policy administered by the City Engineer. Light poles shall be located within the five (5') feet landscape zone only (see Section 34 for details).

- H. Street layout and design for new subdivisions should include the following elements:
 - e. A minimum of twenty-five percent (25%) of the street lengths within the subdivision, excluding major thoroughfares and collectors, should be curvilinear in design. Computation of percentage shall utilize the centerline lengths of all residential streets in the subdivision.
 - f. Curvilinear design means an offset from the straight section centerline of the street of not less than three (3°) degrees and not greater than twenty three (23°) degrees and shall offset a minimum distance of thirty (30') feet measured perpendicular to the initial tangent line of the curve.
- I. **Maximum Impervious Surface Coverage** – Twenty percent (20%) of the first three acres of the parcel. For acreage greater than the first three acres, no more than 5% of each additional full acre.

22.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. Detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street. A single livestock barn with a number of square feet not to exceed the air conditioned square feet of the primary residence may be constructed of non-masonry materials provided that no fewer than five trees no smaller than six feet in height from the Large Trees Portion of the Recommended Plant list are maintained around portions of the barn facing the front or side yard areas.
- F. Swimming pools - See Section 42.
- G. Non-chlorinated ponds must be aerated by a fountain or other aeration device to prevent insect vector breeding or other nuisances associated with stagnant water.
- H. A Site Plan shall be required for developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), and/or 2) a community equine center. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 31.B.4, but shall not require a public hearing as required by Section 31.B.4.E.
- I. Residential properties with paved circle drives accommodating no fewer than four guest or customer vehicles are authorized to engage in homebased retail sales of farm and ranch goods

between 10 AM and 7 PM no more often than four days each week. Signage advertising such homebased sales may not be lighted and may not exceed 2 ft by 3 ft and shall be at least 25 feet setback from any property line.

J. Special regulations regarding on-site sewer. Any element (tank, sprinkler, underground line) of an on-site sewer system shall be behind the front façade of the main residential structure and shall be setback from any property line or animal enclosure by 25 feet. Any sprinkler head connected to on-site sewer shall be setback from any property line or animal enclosure by 50 feet. Any home with on-site sewer shall be required to follow the monitoring and servicing requirements in effect for Kaufman County.

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

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SECTION 23 MANUFACTURED HOME (MH) DISTRICT

23.1 GENERAL PURPOSE AND DESCRIPTION:

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

23.2 PERMITTED USES:

- A. Those uses listed for the MH district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

23.3 AREA REGULATIONS:

- A. **Size of Yards** (for each space within a manufactured home park or subdivision):
 - 1. **Minimum Front Yard** - Twenty-five feet (25') from a sidewalk, dedicated street, fire lane or any private street or drive. See Section 38 for additional setback requirements.
 - 2. **Minimum Side Yard** - Ten feet (10'); twenty feet (20') between units; fifty feet (50') from zoning district boundary line; twenty-five feet (25') for a corner lot on a sidewalk, dedicated street, fire lane or any private street or drive.
 - 3. **Minimum Rear Yard** - Twenty-five feet (25'); fifty feet (50') from any zoning district boundary line
 - 4. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from any sidewalk, property or street right-of-way line, fire lane or any private street or drive.
- B. **Size of Space** (for each space within a manufactured home park):
 - 1. **Minimum Lot Area** - Seven thousand five hundred (7,500) square feet per unit
 - 2. **Minimum Lot Width** - Seventy-five feet (75')
 - 3. **Minimum Lot Depth** - One hundred feet (100')
- C. **Minimum Floor Area per Dwelling Unit:** Twelve hundred (1,200) square feet.
- D. **Maximum Lot Coverage:** Fifty percent (50%) for main building/unit plus any accessory buildings.
- E. **Parking Regulations:** A minimum of two (2) spaces per unit located on the same lot as the unit served (see Section 33, Off-Street Parking and Loading) At least one of which shall be in a carport.

Parking spaces shall be paved and setback from the property line, sidewalk, fire lane or private street by a minimum of sixteen (16') by twenty five (25') foot long driveway.

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

G. **Maximum Height Limit:**

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, carport, garden shed, gazebo, etc.
3. Other requirements (see Section 38).

H. **Minimum Exterior Construction Standards** – As per building code and state/federal regulations regarding manufacturing homes. (Manufactured homes only – all other structures shall conform to Section 37).

I. **Maximum Impervious Surface Coverage** – Fifty percent (50%).

J. **Development Standards:**

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

23.4 **SUPPLEMENTAL REQUIREMENTS FOR MANUFACTURED HOME PARKS:**

A. **Tenant Parking** - Each parking space shall be concrete surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other

manufactured homes and for public parking in the park (see Section 33, Off-Street Parking and Loading Requirements).

- B. Visitor and Supplemental Parking** - In addition to parking spaces required for each manufactured home unit, there shall be improved parking provided for the manufactured home community in general (see Section 33, Off-Street Parking and Loading Requirements):
1. Two (2) visitor parking space for every three (3) manufactured home spaces.
 2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured home spaces.
 3. Supplemental spaces may be located anywhere within the manufactured home community provided that no manufactured home space shall be situated further than one hundred fifty feet (150') from a visitor space.
 4. Each parking space will be not less than nine feet by twenty feet (9' x 20'), which is not to be included in the lot size.
 5. One (1) additional enclosed garage shall be provided for every five (5) units.
- C. Access** - Each manufactured home community shall have direct access from an improved public street in accordance with the Subdivision Ordinance. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width as specified in the adopted International Fire Code, shall connect to a dedicated public street, and shall meet the minimum required turning area and radii to permit free movement of emergency vehicles. Dead end streets are not allowed. Fire lane easements shall be maintained by the manufactured home park. No street or drive may be constructed that fails to meet City of Terrell Standards for residential streets.
- Gated/secured entrances are required and shall be in accordance with the design standards for gated/secured entrances on private streets (see Subdivision Ordinance).
- D. Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.
- E. Street Names and Signs** - Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the Municipal Development Department along with the construction plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and the City Council on the construction plat for the subdivision. The street names shall be set with construction plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the Municipal Development Department.
- F. Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

- G. **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.
- H. **Street Lighting** - Street lighting within the manufactured home park shall be provided in accordance with the Subdivision Regulations, and shall be maintained by the owners of the manufactured home park.
- I. **Telecommunication** - All electrical distribution lines, telephone lines, cable, internet and other utility or telecommunication shall be underground. Each lot shall be provided direct access to high speed data transmission lines.
- J. **Drainage and Soil Protection** - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust. All lots shall drain to the street drainage as approved by the City Engineer.
- K. **Fire Safety and Weather Event Safety:**
1. Approaches to all manufactured homes shall be kept clear for firefighting.
 2. The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within three hundred feet (300') of all manufactured home spaces, measured along the drive or street.
 3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.
 4. Construction plat for a mobile home district development shall identify the location and plans for a building sufficient for the estimated population of the development to shelter in place in the event of a dangerous weather event. Such plans must be approved by the City's emergency management coordinator and such facility must be in place with a certificate of occupancy prior to any manufactured home hookups or occupancy.
- L. **Refuse Facilities** - Every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 36.2(F) of this Ordinance. (See Illustrations 36-1 and 36-2 for refuse container enclosure diagrams).
- M. **Anchorage of Manufactured Homes** - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the Building Code and State law.

N. **Skirting:**

1. All manufactured home units shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
2. All required skirting shall be masonry, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

23.5 **SPECIAL REQUIREMENTS:**

- A. Single-family, townhouse residential units constructed in this district shall conform to SF-7.5 district standards, respectively.
- B. Open storage is prohibited.
- C. **Usable Open Space Requirements** – Except as provided below, any manufactured home development shall provide useable open space that equals or exceeds fifteen percent (15%) of the total land area within the development. Usable open space areas shall not include drainage or utility easements and be in conformance with Subsections 20.5.
- D. One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds.
- E. Site Plan submission and approval (see Section 31.B.4) shall be required for any manufactured home park in the MH district. Such Site Plan approval shall not require a public hearing as required by Section 31.B.4.E. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards.
- F. All front exterior facades must contain at least one window per story.
- G. Other Regulations - As established in the Development Standards, Sections 33 through 44.

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SECTION 24 OFFICE (O) DISTRICT

24.1 GENERAL PURPOSE AND DESCRIPTION:

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

24.2 PERMITTED USES:

- A. Those uses listed for the O district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

24.3 HEIGHT REGULATIONS:

A. Maximum Height:

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

24.4 AREA REGULATIONS:

A. Size of Lots:

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

B. Size of Yards:

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

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

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

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

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

24.5 **SPECIAL DISTRICT REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

1. Arterial street – One driveway per two hundred (200) linear feet of frontage
2. Collector street – One driveway per one hundred (100) linear feet of frontage
3. Local street – One driveway per fifty (50) linear feet of frontage

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

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

D. Open storage and outside display are prohibited.

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

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

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SECTION 25A

NEIGHBORHOOD SERVICE (NS) DISTRICT

25.1 GENERAL PURPOSE AND DESCRIPTION:

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

25.2 PERMITTED USES:

- A. Those uses listed for the NS district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

25.3 HEIGHT REGULATIONS:

A. **Maximum Height:**

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

25.4 AREA REGULATIONS:

A. **Size of Lot:**

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

B. **Size of Yards:**

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

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

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

- E. **Maximum Building Size** - The maximum building foot print (first floor) area of a structure shall not exceed 12,000 square feet.
- F. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.
- G. **Minimum Exterior Construction Standards** – See Section 37.

25.5 **SPECIAL REQUIREMENTS:**

- A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
 - 1. Arterial street – One driveway per two hundred (200) linear feet of frontage
 - 2. Collector street – One driveway per one hundred (100) linear feet of frontage
 - 3. Local street – One driveway per fifty (50) linear feet of frontage
- B. **Landscaping Requirements** – See Section 34.
- C. **Screening Requirements** – See Section 36.
- D. Temporary outdoor retail sales, which involve the outside display of merchandise and seasonal items, shall be limited to the following:
 - 1. Shall not be placed/located more than thirty feet (30') from the main building.
 - 2. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.
 - 3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - 4. Shall not extend into public right-of-way or onto adjacent property.
 - 5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
 - 6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- E. Open storage is prohibited.
- F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

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SECTION 25B

NEIGHBORHOOD EDGE (NE) DISTRICT

25B.1 GENERAL PURPOSE AND DESCRIPTION

The Neighborhood Edge (NE) District is established to provide areas for limited local neighborhood, low intensity retail and service facilities for retail or sale of goods and services. The development standards are designed to maintain and encourage development in a “pedestrian friendly” environment. Design standards shall be based on surrounding residential neighborhood trends, allowing for a transition zone from residential use to service and retail areas. All newly constructed products in the zone shall be built to easily accommodate future transition to alternative uses.

25B.2 PERMITTED USES:

- A. Those uses listed for the NE District in Section 32 – Use Charts as “P”, “S”, or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

25B.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Two (2) stories, and not to exceed thirty-five feet (35’) for the main building(s); minimum height of the first floor of all structures shall be a minimum of twelve feet (12’) from finished floor to finished ceiling for any new building and/or buildings. Neighborhood Service buildings under substantial renovation shall be subject to the same requirement but may request a building specific standard based on existing conditions.
 - 2. One (1) story for accessory buildings.
 - 3. Other (see Section 38).

25B.4 AREA REGULATIONS

- A. **Size of Lot**
 - 1. **Minimum Lot Area** – Seven thousand five hundred (7,500) square feet
 - 2. **Minimum Lot Width** – Seventy-five feet (75’)
 - 3. **Minimum Lot Depth** – One hundred feet (100’)
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** – Twenty-five feet (25’)
 - 2. **Minimum Side Yard** – Six feet (6’) for interior side yard; fifteen feet (15’) for a non-key corner lot on a street; twenty-five feet (25’) for a key corner lot on a street.
 - 3. **Minimum Rear Yard** – Twenty five feet (25’) for the main building and any accessory building(s); twenty-five feet (25’) for rear entry garage (See Section 35 for exceptions).
- C. **Parking Regulations**
 - 1. A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A minimum twelve feet (12’) wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25’) from any right-of-way, property line or alley on detached garages.
 - 2. No garage door shall face towards the front property line but shall be rear or side loaded only unless the lot configuration renders this infeasible in which case the

garage face shall be located a minimum of four feet (4') behind the front façade of the house.

3. As established by Section 33, Off-Street Parking and Loading Requirements; proposed residential style driveways and garage units for customer parking shall be approved by the Director of Municipal Development and shall include detailed site plans and parking counts, available on-street parking and area conditions will be considered for alternatives to Section 33 regulations.

D. **Minimum Floor Area per Unit** – Two thousand (2,000) square feet of air-conditioned floor area. Except for infill development (single-family lots originally platted prior to May, 2008), the minimum shall be one thousand six hundred (1,600) square feet of air-conditioned floor area.

E. **Required Architectural Features:**

1. Minimum roof pitch 6:12 or greater
2. Minimum covered porch size shall be 33% of front façade width or a minimum width of twelve feet (12') with a minimum depth of eight feet (8'). No portion of the garage shall extend into the front yard beyond the porch support columns.
3. Chimney must be enclosed in materials matching the surrounding or adjacent façade.
4. Roof design must include dormers or combination hip and gable.
5. Roof materials shall be architectural grade overlap asphalt shingles, slate, or tile.
6. All front exterior facades must contain at least one window per story.

F. **Landscaping Requirements:**

1. A minimum four feet (4') wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility / public access easement a minimum of ten feet (10') from the edge of pavement. Sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement.
2. A minimum of one (1) street tree shall be planted for every fifty feet (50') of street frontage in accordance with Section 34.6.
3. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to obscure the view of the front entryway of the structure. Two small ornamental trees may be substituted for one large shade tree (see "Recommended Plan List" in Section 34).

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

25B.5 SPECIAL REQUIREMENTS

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

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

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

2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 3. Shall not extend into public right-of-way or onto adjacent property.
 4. All outside display items shall be removed at the end of each business day (except for large seasonal items such as Christmas trees).
 5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- C. Open storage is prohibited.
- D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

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SECTION 26 RETAIL (R) DISTRICT

26.1 GENERAL PURPOSE AND DESCRIPTION:

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

26.2 PERMITTED USES:

- A. Those uses listed for the R district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

26.3 HEIGHT REGULATIONS:

A. Maximum Height:

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

26.4 AREA REGULATIONS:

A. Size of Lot:

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

B. Size of Yards:

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

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

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

- E. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.
- F. **Minimum Exterior Construction Standards** – See Section 37.

26.5 **SPECIAL REQUIREMENTS:**

- A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
 - 1. Arterial street – One driveway per two hundred (200) linear feet of frontage
 - 2. Collector street – One driveway per one hundred (100) linear feet of frontage
 - 3. Local street – One driveway per fifty (50) linear feet of frontage
- B. **Landscaping Requirements** – See Section 34.
- C. **Screening Requirements** – See Section 36.
- D. **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:
 - 1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
 - 2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - 3. Shall not extend into public right-of-way or onto adjacent property.
 - 4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
 - 5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - 6. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.
- E. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection D above).
- F. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

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SECTION 27A

CENTRAL BUSINESS DISTRICT (CBD)

27A.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the Central Business District (CBD) are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the City in a “pedestrian friendly” environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended provide for a mix of land uses that will promote a downtown where people can live, work, and play within its boundaries, create a place that values the architectural history of our community while encouraging the best of contemporary design. They are also intended to preserve and enhance the community’s “small town” heritage and the unique character of the City’s original business district.

27A.2 PERMITTED USES:

- A. Those uses listed for the CBD district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

27A.3 HEIGHT REGULATIONS:

- A. **Height:**
 - 1. Maximum Five (5) stories for the main building(s).
 - 2. Maximum One (1) story for accessory buildings.
 - 3. Maximum Other (Section 38).
 - 4. Minimum two (2) stories for the main building, or lower with a Specific Use Permit.
 - 5. Interior height of the first floor of structure shall be a minimum of 12 feet from finished floor to finished ceiling for any new building and/or buildings undergoing substantial renovation.

27A.4 AREA REGULATIONS:

- A. **Size of Lot:**
 - 1. **Minimum Lot Area** - none specified
 - 2. **Minimum Lot Width** - none specified
 - 3. **Minimum Lot Depth** - none specified
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - none specified
 - 2. **Minimum Side Yard** - none specified
 - 3. **Minimum Rear Yard** - none specified
- C. **Maximum Lot Coverage** – one hundred percent (100%) including main and accessory buildings
- D. **Maximum Floor-Area-Ratio (FAR)** – five to one (5:1)
- E. **Parking Requirements:** No on-site parking shall be required within this district. However, if on-site parking is provided, all parking areas shall conform to the requirements of Section 33.3.

27A.5 OTHER REGULATIONS

- A. **Fire Suppression Requirements;** A fire suppression system shall be installed in all new construction unless otherwise approved by the Fire Marshal.
- B. **Projections into a Required Setback or Beyond the Street Lot line:** The following projections shall be permitted in a required setback or beyond the street lot line.
1. Ordinary building projections, including but not limited to a water tables, sills, belt courses, and pilasters, may project up to twelve (12) inches into a required setback or beyond the Street Lot Line, or beyond the face of an architectural projection.
 2. Balconies above the first floor may project up to sixty (60) inches in the right-of-way and have a minimum of nine (9) feet of clearance over the sidewalk. At no point shall a projection extend over a public street.
 3. Canopies, awnings, cinema or theater marquees, and/or kiosks may project from building face and may extend to, or be located within eight (8) inches of the back of curb.
 - a. Any vertical supports anchored to the ground must be located at least four (4) feet from the back of curb and have a minimum of nine (9) feet of clearance.
 4. Roof eaves, soffits, cornices, and parapet treatments may project up to thirty-six (36) inches into a required setback or beyond the street lot line, or beyond the face of an architectural projection, provided that no portion extending below seven (7) feet-six (6) inches above the immediate adjacent grade may project more than twelve (12) inches.
 5. Architectural projections, including bays, towers, and oriel; below grade vaults and areaways; and elements of a nature similar to the preceding; may project up to forty-two (42) inches. All projections shall be in compliance with the American with Disabilities Act (ADA).
 6. Show windows at the first floor may project up to fort-two (42) inches.
 7. Outdoor open patios shall be permitted to project into the public right-of-way for nonresidential uses provided that a six (6) foot wide, unobstructed and leveled sidewalk is maintained for pedestrian access and meets all ADA requirements. The property owner has assumed liability related to such projections and shall maintain such projections in a safe and non-injurious manner.
 8. In all cases, any potential allowances under this section are subject to limitations imposed by the City Engineer due to a traffic safety sign distance conflict, a regulation of TxDOT or a minimum pedestrian requirement of ADA.

27A.6 DESIGN CRITERIA

A. Purpose

Terrell's downtown Central Business District (CBD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of the CBD.

B. Goals

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

4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

C. General Provisions

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

D. Mixed Use Criteria

1. The Central Business District may contain any combination of uses shown in the Use Chart in Section 32 (Use Charts) for CBD.
2. Within the CBD there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
 - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than 50 percent of the floor area of the building; and do not occupy the area adjacent to the street front.
 - b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
 - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.
 - d. In block faces within the Central Business District that are currently developed with commercial structures, new construction shall be compatible commercial structures.
3. **Minimum Floor Area per Dwelling Unit (second floor and above only):**
 - a. Efficiency unit – Five hundred fifty (550) square feet per unit.
 - b. One-bedroom unit – Six hundred (600) square feet per unit.
 - c. Two- or more bedroom unit – Eight hundred (800) square feet for the first two (2) bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (2) (e.g., three-bedroom unit must have 1,000 square feet, etc.).

E. Central Business District Development and Design Standards

1. All properties must meet requirements provided in this section for Site Design, and Architectural Standards.
2. **Purpose of Central Business District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.
 - a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.
 - b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Terrell, ensure new construction is compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.
3. **Design Standards Review.** All new development shall comply with the Site Design Standards and the Architectural Standards in Section 27A.
4. **Site Design Standards**
 - a. **Building Placement - Commercial Structures**
 - (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than 50 percent of the block face.
 - (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
 - (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen (15') feet minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet to provide for wider sidewalks and entries when the side property line is along a street.
 - (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
 - (5) All service areas, dumpsters and loading shall be from the rear of the building or alley.

5. Architectural Design Standards

a. Street Facade – Commercial Structures

- (1) Primary street facades for nonresidential buildings in the Central Business District shall have the following basic features of existing historic buildings:
 - (a) Cornice at top of facade;
 - (b) Display windows with transom windows above and lower window panels below.
 - (c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.
 - (d) Second floor windows, recessed with multiple lights, lintels, and sills.
- (2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown. Where they still exist, original elements should be retained. If originals are not available, new similar design elements should be obtained. These should not be mistaken for modern “Traditional” or “Early American” styles which

are not historically accurate or appropriate. Modern aluminum doors should be avoided.

- (3) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:
 - (a) Street facades on side streets that meet the requirements for primary facades; or
 - (b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or
 - (c) Pediments added to the top of the facade; or
 - (d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or
 - (e) Use of natural wooden doors with glass windows; or
 - (f) Projecting canopies and or awnings placed over the ground floor windows and doors.
- (4) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
- (5) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.
- (6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.
- (7) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.

b. Building Proportions – Commercial Structures

- (1) Overall height of single story commercial buildings in the Central Business District shall be between 18 and 26 feet.
- (2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.
- (3) The ground floor facade shall have at least 45 percent of its area in transparent windows, or doors. The second floor facade shall have at least 20 percent of its area in windows. The area of windows includes any mullions framing individual lights within the window frame.

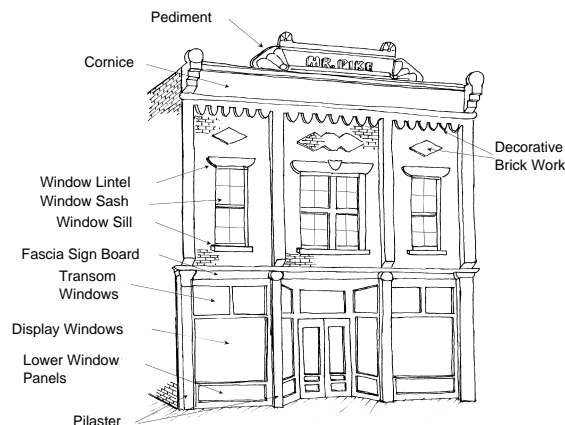


Figure 27A-1 Typical Features of Commercial Structures in the Central Business District

c. **Building Materials – Commercial Structures**

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

6. **Fencing – Commercial Structures**

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

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

- a. Color palettes shall be compatible with the historic and architectural character of the Central Business District and should not be garish or otherwise out of character with the historical context of the CBD. The following color palettes are acceptable:

- (1) Sherwin Williams – Preservation Palette
- (2) Pittsburgh Paints – Historic Paints
- (3) Do It Best Paints – American Historical Restoration Colors (Exteriors only)
- (4) Valspar – American Tradition Historic Colors (Lights only)

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

9. **Awnings/Canopies**

- a. *Ratios* – Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.
- b. *Projection* – Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet (5') outward from the building face/surface.
- c. *Colors and Materials* – A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material which is complementary to the period or building style (metal or plastic shall be prohibited).
- d. *Movement* – Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.

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

1. In addition to the Building Permit Plan which is required by Section 12 of this Ordinance, a Building Façade Plan shall also be required. The Building Façade Plan shall be submitted in conjunction with the Building Permit Plan application.

2. The Building Façade Plan shall clearly show how any new structure and/or any structure that is undergoing exterior renovations will look, and shall portray a reasonably accurate depiction of the materials to be used. Especially significant is the way in which such structure(s) will be viewed from the thoroughfare upon which the property faces and/or sides.
 3. Review, approval and appeal procedures shall be the same as the procedures for a Building Permit Plan, as outlined in Section 12.
 4. The MD Director (or his/her designee) may, as he/she deems appropriate, require submission of information and materials (possibly actual samples of materials to be used) additional to those initially submitted by the applicant during the Building Facade Plan review process.
11. **Overhead Power Lines** – New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.
 12. **Pedestrian Streetscape** – Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.
 13. **Furnishings** – Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical time frame of the CBD area, and shall be located not more than five feet (5') from the building front/facade.
 14. **Open Storage** – Open storage is prohibited in the CBD district.

27A.7 MAINTENANCE AND PRESERVATION

A. Purpose

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

B. Preservation of Architectural Features and Materials

1. Facades

- a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
- b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
- c. Wood materials should be painted at least every five years to prevent deterioration.
- d. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
- e. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.

- f. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.
- g. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.

2. **Demolition**

- a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
- b. If demolition reveals the side of an adjacent building that was designed never to be exposed the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.

3. **Demolition by Neglect for existing buildings:** No owner or person with an interest in real property within the CBD District shall permit the property to fall into serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgement of the City Council and/or the Chief Building Official, produce a detrimental effect upon the character of the CBD as a whole or the life and character of the property itself.

- a. Examples of such deterioration include but are not limited to:
 - 1. Deterioration of exterior walls or other vertical support;
 - 2. Deterioration of roofs or other horizontal members;
 - 3. Deterioration of exterior chimneys;
 - 4. Deterioration or crumbling of exterior stucco or mortar;
 - 5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors;
 - 6f. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

4. **Boarded up windows** – Boarded-up windows on the first floor of a building façade that fronts on a street are prohibited, except as follows:

- Buildings that have been determined to be unrepairable and tagged accordingly by inspection services.
- Time of compliance:
 - Existing buildings with boarded-up windows on the first floor will have six months from the effective date of this section to comply with the regulations herein.
- Nothing in this section shall preempt enforcement of any city ordinance or state law with respect to the regulation of unsafe structures.

27A.8 **OUTDOOR DISPLAYS AND SALES**

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

- 1. Shall not be placed/located more than twelve feet (12') from the main building.
- 2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).

3. Shall only be located in front of the property/business which is selling the item(s).
4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
6. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

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

27A.9 NEW DEVELOPMENT CENTERS

It is anticipated that as Terrell grows new high quality distinct places will be created to serve outlying businesses as employment, retail and banking centers. These destination places will also help to preserve the small town character and feel of Terrell's historic downtown in multiple locations. Place-making design elements are characterized by identifiable human-scale placement of buildings where the pedestrian environment drives the form and function of the district which in turn fosters a more cohesive intact community as a whole.

- A. In response to this need and the desire of the city to partner with developers in creating high quality, desirable and sustainable regional employment and shopping destinations in Terrell, new place-making development centers will be identified (utilizing the CBD designation) on the Future Land Use Map of the Comprehensive Plan with the stipulation that the development and design guidelines follow that of the "SMART CODE, Version 9.2, T-6 Transect" or applicable subsequent revisions of same in order to promote the same small town appeal of the Central Business District.
- B. The SMART Code, Version 9.2 is an established published international standard for sustainable development that is based on the model of hundreds of successful, thriving towns that will preserve the character of Terrell's unique heritage in new development as our community continues to prosper and grow.
- C. **Other Regulations** - As established in the Development Standards, Sections 33 through 44 unless in conflict with the Smart Code, Version 9.2, T-6 Transect, or later which will apply.

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SECTION 27B

DOWNTOWN DISTRICT (DD)

27B.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the Downtown District (“DD”) are designed to maintain and encourage development and redevelopment surrounding the Central Business District of the City in a “pedestrian friendly” environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to preserve and enhance the existing historic fabric of downtown, with buildings that reflect early 20th Century Texas architectural styles and create a sustainable “urban neighborhood development” that is built at a human scale, as well as taking advantage of its relationship to the Central Business District and Terrell Town Square. They are also intended to preserve and enhance the community’s “small town” heritage and the unique character of the City’s original business district while improving land use patterns within and encourage private development supporting the historical model of downtown.

The Downtown District (“DD”) allows a reliable transition between the intensity of the Union Pacific Railroad, Moore Avenue, the Town Square and the adjacent historic neighborhood. Existing buildings should be preserved and new buildings should create a cohesive overall neighborhood structure for the historic downtown and environs. For this reason, guidance for structures contained in Section 27B shall be applicable in the Downtown District and, when meeting certain distance criteria, shall be applicable in adjacent land with a variety of underlying zoning. In cases where such distance criteria is met, any uses shall comply with the underlying zoning classification, not the uses of DD. However, in cases where such distance criteria is met, all other requirements of Section 27B shall be applicable. This distance classification shall be as follows:

TOWN CENTER Area – this consists entirely of City owned land. The character of this zone consists of attached buildings as structures are phased in. This Area would have the highest pedestrian connectivity to facilitate movement through the Town Square with appropriate trees, awnings, public lighting and other elements facilitating both public safety and an all-weather, all-season welcoming environment. All DD related standards of the Zoning Ordinance are fully applicable on the City owned land. Specifically, the boundaries for this area include the parcels / property located within the boundaries of South Frances, Newton Street, South Adelaide, and the Union Pacific Railroad as well as adjacent land owned by the City bordering Spur 226.

TRANSITION Area – this area includes the remainder of the DD District and any and all areas of any zoning classification within 600 feet of the Downtown District which is not classified as CBD Zoning or separated from DD by State Highway 34. Within such areas area, all other requirements of Sub-Sections 27B.5, 27B.6, 27B.7, and 27B.8 shall be applicable.

27B.2 PERMITTED USES:

- A. Those uses listed for the DD in Section 32 – Use Charts as “P”, “S”, or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10). In addition, the Use Chart

designation “E” allows residential use according to subsection 27B.3 and 27B.6. Some design and other regulatory elements may also be available only specific use permit, see Section 27B.5 for design standards for residential structures within DD.

27B.3 HEIGHT REGULATIONS:

- A. Height
 - 1. Maximum Four (4) stories for the main building(s).
 - 2. Maximum One (1) story for accessory buildings
 - 3. Maximum Other (see Section 38).
 - 4. Minimum Two (2) stories for the main building, or lower with specific use permit; minimum height for a one-story building shall be twenty-two feet (22’).
 - 5. Interior height of the first floor of all structures shall be a minimum of twelve feet (12’) from finished floor to finished ceiling for any new building and/or buildings. Commercial buildings under substantial renovation shall be subject to the same requirement but may request a building specific standard based on existing conditions.

27B.4 AREA REGULATIONS:

- A. **Size of Lot:**
 - 1. **Minimum Lot Area** – none specified
 - 2. **Minimum Lot Width** – none specified
 - 3. **Minimum Lot Depth** – none specified
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** – none specified
 - 2. **Minimum Side Yard** – none specified
 - 3. **Minimum Rear Yard** – none specified
- C. **Maximum Lot Coverage** – one hundred percent (100%) including main and accessory building.
- D. **Maximum Floor-Area-Ratio (FAR)** – four to one (4:1) or greater with a specific use permit.
- E. **Parking Requirements** – On-site parking shall be required within this district. All parking areas shall conform to the requirements of Section 33.3. However, the Director of Municipal Development may waive any such requirement upon the submittal of a site plan, which adequately provides for a pedestrian oriented development and associated pedestrian infrastructure. In such case, enclosure of open drainage and provision of a side walk both conforming to the requirements of the City Engineer in combination with a pedestrian oriented building façade, pedestrian shade by structural overhang and/or landscaping shall be considered adequate for such a partial or full parking requirement waiver upon review of the site plan by City staff. Alternatively, either City Staff or the applicant may submit the site plan / parking plan to the Planning and Zoning Commission for review. In such case, the Planning and Zoning Commission may recommend approval or denial to the City Council for City Council determination.

27B.5 DESIGN STANDARDS – GENERAL

- A. **Purpose:** The zone immediately surrounding Terrell's Downtown District (DD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with historic nature of Terrell.
- B. **Goals:**
1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the area surrounding the Central Business District shall be the primary consideration in the development design review.
 2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the district shall be considered as a high priority in future development.
 3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.
- C. **General Provisions:**
1. Site plan and design review is required for all new construction and substantial renovation of existing buildings within the Downtown District. Substantial renovation means:
 - a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
 - b. An increase in the floor area of the building greater than ten percent (10%).
 2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section (e.g., drop ceiling that covers part of an existing window would alter the exterior appearance and require review). However, all renovation work does require a valid building permit and may require an asbestos survey prior to the start of construction.
 3. Physical properties of an existing building such as setbacks, footprints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.
- D. **Overhead Power Lines** – New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.
- E. **Pedestrian Streetscape** – Pedestrian spaces will be treated with amenities that are selected based upon their availability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures, and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

F. **Furnishings** – Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical timeframe of the area, and shall be located not more than five feet (5') from the building front / façade.

G. **Building Façade Plan** – the architectural style of new / renovated buildings within the Downtown District shall be compatible with the historical styles of historical Terrell buildings. In addition to the Building Permit Plan, which is required by Section 12 of this Ordinance, a Building Façade Plan shall also be required. The Building Façade Plan shall be submitted in conjunction with the Building Permit Plan application.

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

H. **Mixed Use Criteria**

1. The Downtown District (DD) may contain any combination of uses shown in the Use Chart in Section 32.
2. Within the Downtown District there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply:
 - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than fifty percent (50%) of the floor area of the building; and do not occupy the area adjacent to the street front.
 - b. Nonresidential uses may be in residential structures or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
 - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.

- d. In block faces within the District that are currently developed with commercial structures, new construction shall be compatible commercial structures.
3. Minimum Floor Area per Dwelling Unit – second floor and above only:
 - a. Efficiency unit – five hundred fifty (550) square feet per unit.
 - b. One-bedroom unit – six hundred (600) square feet per unit.
 - c. Two- or more bedroom unit – eight hundred (800) square feet for the first two (2) bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (2) (e.g., three-bedroom unit must have 1,000 square feet, etc.).

27B.6 DESIGN STANDARDS – COMMERCIAL STRUCTURES

- A. **Concepts** – Architectural character should evoke the image of a classic Texas town. Designs that refer to “period architecture” should be interpreted in a contemporary way. Building groupings should be composed of a series of individual elements that stand on their own, but when combined contribute to a coherent overall sense of place. The buildings and shopfronts are to build on the basic design themes of the Central Business District while striving for design creativity and individual expressions.
- B. **Building Placement**
 1. Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for wider sidewalks and entries, or pedestrian oriented streetscapes if: the buildings take up an entire block face; or is located on a corner; or has a total frontage of more than fifty percent (50%) of the block face.
 2. New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
 3. Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen feet (15’) minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet (4’) to provide for wider sidewalks and entries when the side property line is along a street.
 4. Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
 6. All service areas, dumpsters, and loading shall be from the rear of the building or alley, or designated common area according to an approved site plan.
- C. **Fencing** – Any fencing for commercial structures within the Downtown District shall be in the rear of the building not visible from the street.
- D. **Façade Openings** – Façade openings shall comprise at least forty percent (40%) of the building’s façade area.

E. **Street Facade**

1. Expression of the Base, Middle, Roof – architectural massing that strongly defines a base, middle and cap is strongly encouraged. Roof forms should be expressed whenever possible along the pedestrian realm in a visually interesting fashion, avoiding flat, unarticulated expressions. The base and tops of buildings will vary in material and facades must include articulated



ground floor levels, minimum three foot (3') overhangs at eaves, articulated cornice line, and a stone base.

Express of Base, Middle, and Top

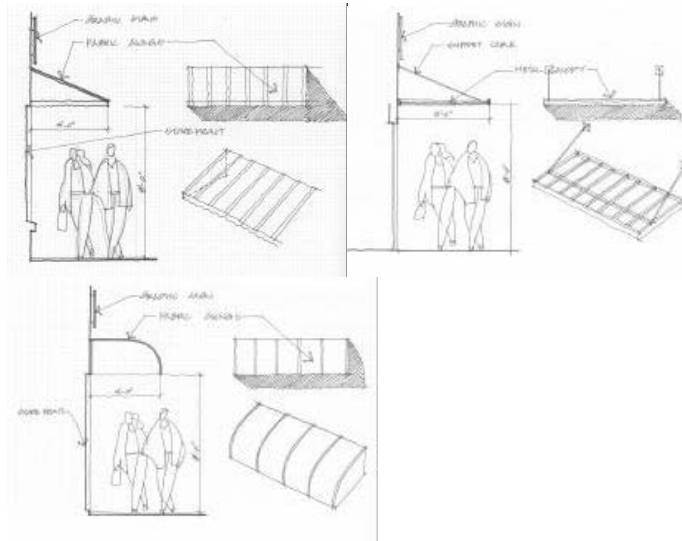
2. Modules – the massing of any façade should generally not exceed 50' maximum (horizontal dimension). Shopfronts should be broken down even further, with massing variations every 30' or less. Use variation to enhance the articulation of building volumes.



Façade broken down into articulated modules

3. Awnings and Canopies
 - a. Structural awnings are encouraged at the ground level to enhance articulation of the building volumes.

- b. The material of awnings and canopies should be architectural materials that compliment the building such as metal flashing and wood trim. Fabric (no vinyl) is allowed on upper levels.
- c. Awnings shall not be internally illuminated.
- d. Canopies shall not exceed the length of 70' without a break.
- e. Awnings shall not extend more than 6' over the sidewalk, or over right-of-way whichever is closer so they do not interfere with parked cars.
- f. All awning designs will be approved by the City.



D. Colors –

1. Color palette should take cues from the surrounding environment of Terrell, integrating the classic base colors of Texas materials including but not limited to warm earth tones, such as tan, ochre, beige, and terra cotta. Color palette shall be compatible with the historic and architectural character of the Central Business District (CBD) and should not be garish or otherwise out of character with the historical context of the CBD. The following color palettes are acceptable:
 - a. Sherwin Williams – Preservation Palette
 - b. Pittsburgh Paints – Historic Paints
 - c. Do It Best Paints – American Historical Restoration Colors (Exteriors only)
 - d.. Valspar – American Tradition Historic Colors (Lights only)
2. Roses, pinks, plumbs, and violets should generally be avoided.
3. Vibrant accents may be used in limited quantities at appropriate locations. Accents are to be of high quality materials and are used to promote a vibrant street life in a manner compatible with the “civic” nature of the street.
4. When brick is painted, flaking paint could be removed to the original brick surface and repainted, where necessary, or repainted an appropriate color. Painting previously painted surfaces is an inexpensive and effective way to change and improve the appearance of a building face.
5. All windows and cornices on the same façade should be of the same color. Use a lighter color to emphasize their architectural detailing, especially where there are darker original brick surfaces.
6. Features such as gutters and downspouts, mechanical equipment, air-conditioning units and flashing should be painted in a flat finish and should match the wall color of the building.



Color palette integrates classic base colors of Texas materials

E. Materials

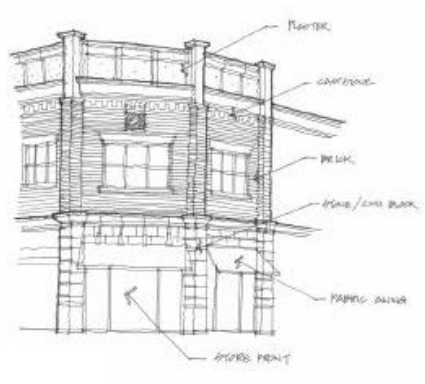
1. Primary building material shall be clay fired brick.

2. High quality materials such as terra cotta, natural stones, clay fired units, or other approved masonry materials are encouraged for architectural details and accents whenever appropriate. A stronger use of details and materials is suggested at entries and the ground floor.
3. A high quality durable base material, such as terra cotta, natural stone, cast stone, clay fired tile, or other approved masonry materials is suggested for building facades abutting the sidewalk. The base should be a minimum of 18” in height and appropriately proportioned and detailed for the façade of the building.
4. Roof tiles should be of high quality. Different shapes and finishes of tiles that promote variety and individuality to buildings with an overall compatible palette of materials are encouraged.

F. Details

1. Large expanses of flat exterior cement plaster walls are not desirable. Where large amounts of mass are required, the mass should be broken down by changes in plane, reveals or decorative details. The following accent features add detail and are encouraged:

overhangs	cornices	string courses
peaked roof forms	arches	window sills
outdoor patios	lintels	pilasters
rustication		
canopies, awnings or porticos		
architectural details (i.e., tile work and moldings)		
integrated planters or wing walls with landscape and sitting areas		



Building mass broken down by architectural details

27B.7 DESIGN STANDARDS – RESIDENTIAL STRUCTURES – all newly constructed residential products in the zone shall be built to easily accommodate future transition to alternative uses.

- A. **Architectural Vernacular** – The purpose of defining the architectural vernacular for residential structures within the Downtown District is to preserve and enhance the early 20th Century architectural styles present in the downtown area, while being flexible enough to guide the design of new development in a manner which is contextual but not duplicative of these period styles. Though these standards reinforce baseline styles, it does not preclude the development or more ornate styles (i.e.,

Victorian) in the Downtown District area through higher levels of architectural detail. These styles include:

- Folk Traditional
- Craftsman
- Four Square
- Victorian



1. **Folk Traditional Style** is defined by:

- A square symmetrical shape
- Low pitched pyramidal shaped roof
- Roof projections mark entry
- Shallow overhangs
- Brackets under eaves
- Front gable (typically open)
- Smaller porches
- Windows simply trimmed
- Typically two stories in height
- Asymmetrical roof form articulation
- Wood frame with brick accents
- Minimal architectural detailing
- Carpenter gothic detail
- Side wings
- Square porch columns / balustrades



2. **Craftsman Style** is defined by:

- Rustic or bold-square style
- Roof articulates entry with gable
- 'Nestled' into the earth
- Exaggerated foundation and porch pillars
- Local building tradition
- Wide deep front porch
- Masonry base and piers
- Symmetrical roof
- Layout emphasizes horizontality
- Typically one and one half story
- Local materials
- Sheltering overhangs
- Heavy and dark woodwork
- Roof rafters expressed
- Details of brick, tile, or rustic river stone



3. **Four Square Style** is defined by:

- Smaller building lots
- Typically two stories in height
- Horizontal emphasis
- Symmetrical roof massing



- Smaller dormers
- Front doors typically with glass panels
- Often wood frames, may be stucco, brick, or cement block
- Pyramidal or hipped roof
- Emphasis on unbroken roof lines
- Glass dormer or gable marks entry
- Wide eaves
- Articulated doors and windows
- Wood piers and balustrades on porch

4. **Folk Victorian** houses contain features:

- Square, symmetrical shape
- Porches with spindlework or flat, jigsaw cut trim
- Carpenter gothic details
- Low-pitched, pyramid shaped roof
- Front gable and side wings



B. Site Layout – All development shall comply with any and all city ordinances applicable to the area. Builders and owners are to develop, renovate, and maintain individual lots in a manner prescribed by all governing controls including applicable building and zoning codes and by these standards.

1. Lot Standards – there are generally two (2) lot types within the DD neighborhoods: Interior and Corner lots. Primary building setbacks for all lot types have been determined by current zoning. The following reflects recommendations and special setback requirements



a. **Interior Lots**

- i. Minimum Front Yard** – a 10ft sidewalk and utility easement adjacent to the right-of-way.
- ii. Minimum Side Yard** – 5ft for a side with no vehicle access to rear, 10 ft for a side with vehicle access to rear. Building sides developed as zero-lot line product or those with appropriately fire rated side building walls may reduce this minimum based on City review.
- iii. Minimum Rear Yard** – an eight foot (8') yard shall be provided in most cases; a twenty foot (20') setback shall be provided for garages facing alleys; this can be reduced to twelve foot (12') but requires additional surface parking;

On-site parking for a minimum of two (2) cars is required to be provided as a rear garage or carport only, all carports shall be fully screened with a private 6 ft gate.

b. **Corner Lots**

- i. Minimum Front Yard** – a 10ft sidewalk and utility easement adjacent to the right-of-way.

- ii. **Minimum Side Yard** – 5ft for a side with no vehicle access to rear, 10 ft for a side with vehicle access to rear. Building sides developed as zero-lot line product or those with appropriately fire rated side building walls may reduce this minimum based on City review. In cases which the parking requirement is met with a side entry then the minimum set back to the garage or carport front is 20 ft. past the building side of the sidewalk edge. All carports shall be fully screened with a 6 ft. privacy gate.
- iii. **Minimum Rear Yard** – a five foot (5') or greater as necessary to accommodate rear parking.

Detached garages facing side streets are encouraged. This siting requires less concrete for driveways. A garage connected to the residential structure covered walk provides a breezeway space.

- C. **Driveways** – builders are required to construct a concrete or masonry driveway to the back of the sidewalk. Stamped and colored concrete, interlocking pavers, concrete with brick borders, and exposed aggregate concrete paving is encouraged. Color, patten, and design should compliment that of the proposed new residential structure or renovated home. The driveway from the building side edge of sidewalk to the rear to the building may be built as a paved, concrete “wheels only” drive when designed to require the auto to move without turns or angles on its path to the rear of the building. Asphalt, shell, mulch, and gravel driveways are prohibited. Under no circumstances may an entire front yard be paved as a driveway. A minimum of 50% of a front yard is to be planted in shrubs, ground cover, trees or turf when a circular drive or motor court is used.

Paving material should never abut building foundation except as entry walks or approaches to garages.

- D. **Garages & Carports** – No front loaded on-site parking or garages are allowed. All parking shall be to the rear of the building and/or lot.
- E. **Detached Garages** –Detached garages or carports in rear yards are preferred, but for corner lots, a side entry is allowed, subject to site plan review.
- F. **Siding Materials** – The following exterior cladding materials are acceptable:
1. **Brick** – brick colors should be medium to dark hues with reds, browns, and buff as the dominate color. All brick cladding must be real brick and meet standards established by the Brick Institute of America.
 2. **Wood & Cementatious Siding** – siding material shall be either wood or hard board and must be of horizontal, lap type. The following restrictions apply to such siding:
 - Cementatious siding is acceptable
 - Vertical siding is prohibited
 - Diagonal siding, board and batten, plywood and particle board are prohibited
 - All siding must be painted or stained.

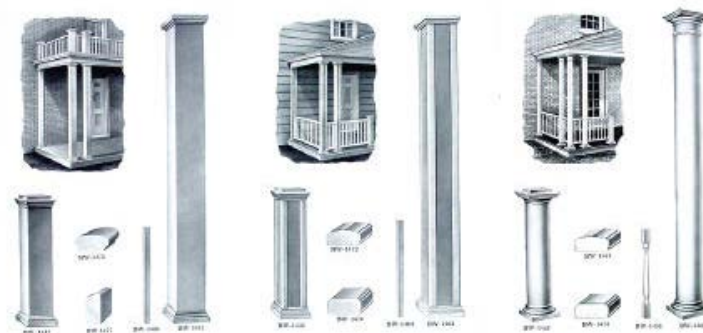
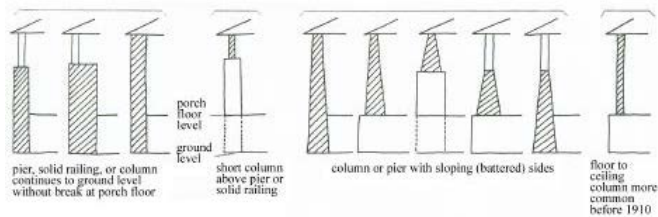
3. **Trim** – all trim shall be smooth / semi-smooth, high quality finish grade stock wood. Trim shall be stained or painted and/or cementitious trim.

Material must be carried around the corner. Masonry veneer applied to a front façade only, without a four foot (4') minimum transition around each corner to the side facades will not be permitted.

- G. **Porches** –Covered front and rear porches are encouraged for the residential-style structures within Downtown District. They create protection from the elements and a sense of individuality.

The two types of porches encouraged are the inset porch and or projected porch. The inset porch appears as a continuation of the house with the main roof extended to cover the porch. The projected porch appears more as an addition, with its own separate roof.

A front porch is required for all residential structures within Downtown District. Porches shall be a minimum of six feet (6') deep and may extend to the edge of the 10 ft sidewalk / utility easement provided that such encroachment does not result in a threat to the occupant's or public's health, safety, or welfare. The porch shall have a minimum area of sixty (60) square feet.



27B.8 MAINTENANCE AND PRESERVATION

- A. **Purpose** – Buildings in the Downtown District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of downtown.
- B. **Preservation of Architectural Features and Materials**

1. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
2. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
3. Wood materials should be painted at least every five years to prevent deterioration.
4. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
5. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.
6. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.
7. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.

C. Demolition

1. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
2. If demolition reveals the side of an adjacent building that was designed never to be exposed, the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.

D. Demolition by Neglect for Existing Buildings – no owner or person with an interest in real property within the Downtown District shall permit the property to fall into serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgement of the City Council and / or the Chief Building Official, produce a detrimental effect upon the character of the Downtown District as a whole or the life and character of the property itself.

1. Examples of such deterioration include but are not limited to:
 - a. Deterioration of exterior walls or other vertical support;

- b. Deterioration of roofs or other horizontal members;
- c. Deterioration of exterior chimneys;
- d. Deterioration or crumbling of exterior stucco or mortar;
- e. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors;
- f. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

E. **Boarded up Windows** – Boarded-up windows on the first floor of a building façade that front on a street are prohibited, except as follows:

- 1. Buildings that have been determined to be unrepairable and tagged accordingly by inspection services;
- 2. Time of compliance:
 - a. Existing buildings with boarded-up windows on the first floor will have six (6) months from the effective date of this section to comply with the regulations herein;
- 3. Nothing in this section shall preempt enforcement of any city ordinance or state law with respect to the regulation of unsafe structures.

F. **Existing Residential Structures**

- 1. The Downtown District is a unique transition zone. In some cases it affords a transition between existing neighborhoods and Central Business District. As such, buildings existing on January 1, 2020 originally constructed as residential prior to January 1, 2020 may have a residential use of the same number of units on the same parcel as an allowable use indefinitely.
- 2. This allowance does not include any property fronting on US Highway 80 (Moore Avenue), FM 986 (Rockwall Avenue), or Spur 226 (Virginia Avenue).
- 3. This allowance is limited to residential uses identified as “E” in the Residential Use Chart. Further, this allowance is granted to the parcel and only to parcels with an existing residential structure on January 1, 2020. In the event, such a structure burns, is destroyed by an Act of God, is demolished by the owner or the City, or in the event the structure is fully renovated, the allowance for continued residential use continues same number of units. Such allowance remains for any new structure upon the same parcel.

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SECTION 28

HIGHWAY CORRIDOR (HC) DISTRICT

28.1 GENERAL PURPOSE AND DESCRIPTION:

The Highway Corridor (HC) District is intended to provide a regional destination for high quality retail, commercial and business opportunities, good jobs, and utilize the highest and best uses to enhance the taxable yield for the city and the Tax Increment Finance District (TIF) where applicable. The uses envisioned for the district will be compatible with the high visibility and high traffic conditions of the corridor with high quality architectural, streetscape and landscape aesthetics. Convenient access to major thoroughfares and collector streets, internal connectivity, as well as pedestrian oriented circulation in building placement and parking lots utilizing SMART Code and sustainable form-based design elements are also primary considerations. The boundaries of the Highway Corridor (HC) District are indicated on the revised Future Land Use Map of the Comprehensive Plan. All zoning change requests as well as annexations requesting permanent zoning on properties located within the Highway Corridor (HC) District shall be rezoned in accordance with the Comprehensive Plan and Future Land Use Map.

28.2 PERMITTED USES:

- A. Those uses listed for the HC district in Section 32 as “P” are authorized uses permitted by right and are anticipated to be primarily located along the highway frontages; those uses indicated by an “R” are permitted uses which are restricted and cannot be located less than 700 feet from the highway right-of-way (IH 20, US Hwy 80, Spur 557, proposed Outer Loop and proposed Alternate US 80 alignment) such as non-retail uses which are not dependent upon direct exposure to high visibility/high traffic for success; and those uses indicated by an “S” are permitted only by the issuance of an Specific Use Permit (SUP) which must be approved by ordinance utilizing procedures set forth in Section 31B, those uses indicated by a “T” are permitted only by the issuance of temporary use permit which must be approved utilizing procedures set forth in Section 38.10.
- B. Certain temporary uses indicated by a “T” may be approved on a case by case basis upon receipt of an approved Temporary Use Permit issued by the Director.
- C. All other uses not specifically indicated by a P, R, S, or T are prohibited within the Highway Corridor (HC) District.
- D. New Central Business Districts are allowed to be created in the Highway Corridor (HC) District as a separate CBD district approved by the City Council and shall be considered to be in accordance with the Comprehensive Plan and Future Land Use Map. Uses permitted as listed in the Use Charts in Section 32 under CBD column.

28.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. No height limits for structures within 700 feet of the highway right-of-way otherwise six (6) stories or seventy-five feet (75'). All structures must meet the minimum setbacks in regards to proximity to residential structures. Height may be further restricted by FAA guidelines.
- 2. One (1) story for accessory buildings.
- 3. Other (Section 38).

28.4 AREA REGULATIONS:

A. Size of Lot:

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

B. Yards, Setbacks and Build-to Lines:

1. **Primary Roads** – Primary roads are defined as either the major highway or those frontage or access roadways running parallel but divided from the major highway traffic lanes within the same right-of-way providing local but limited access to and from property adjacent to the highway.
 1. A minimum of twenty (20') feet immediately adjacent to the highway right-of-way line shall be a landscape buffer (see requirements below).
 2. Sidewalks, monument or directional signs, lighting, public art or outdoor fixed furniture may be placed in the landscape buffer.
2. **Front Yard – Secondary Roads** - All yards adjacent to a secondary road (except primary highway roads see B.1 above) shall be considered a front yard. For the purpose of this section a secondary road is defined as a thoroughfare having direct access to the major highway.
 1. A minimum of ten (10') feet immediately adjacent to the collector right-of-way line shall be a landscape buffer (see requirements below).
 2. Sidewalks, monument or directional signs, lighting, public art or outdoor fixed furniture may be placed in the landscape buffer.



Desirable Design Attribute - buildings are placed along a “build-to” line with landscape buffer which creates a consistent and strong street wall along the corridor.

3. **Front Yard – Tertiary Streets and Other Streets** – All yards adjacent to a tertiary street or other public streets (except as in B.1 or B.2 above) shall be considered a front yard. For the purpose of this section a tertiary street or other public street is defined as a thoroughfare not

having direct access to the major highway but may have access to the frontage roads of the highway or secondary roads.

1. A minimum of ten (10') feet immediately adjacent to the street right-of-way line shall be a landscape buffer (see requirements below). Buildings placed less than ten (10') feet from the right-of-way line are not required to have a landscape buffer.
2. Sidewalks, monument or directional signs, lighting, public art or outdoor fixed furniture may be placed in the landscape buffer.
4. **Minimum Side and Rear Yard (not adjacent to a street)** - Ten feet (10') unless a fire lane is required then a side or rear yard capable of accommodating the minimum required width of a fire lane would apply. If property line is adjacent to residentially zoned property see setback requirement in Figure 28-1 below.
5. **Interior Side Yards** - When retail/commercial uses are platted adjacent to other retail/commercial uses and integrated into an overall town center/campus site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's adopted Building and Fire Codes.
6. **Minimum Side or Rear Yard Adjacent to a Residential District** – A ratio of 3:1 or three (3') feet of setback for each one (1') foot of height of a commercial structure is required adjacent to any residentially zoned property line (see Figure 28-1).

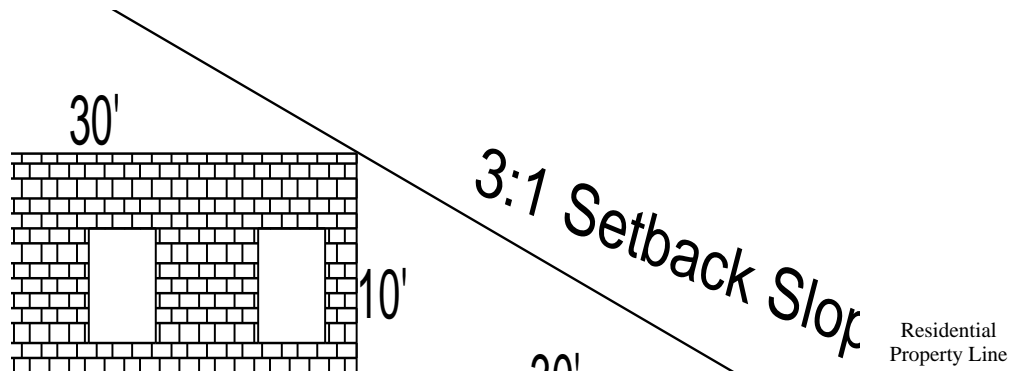
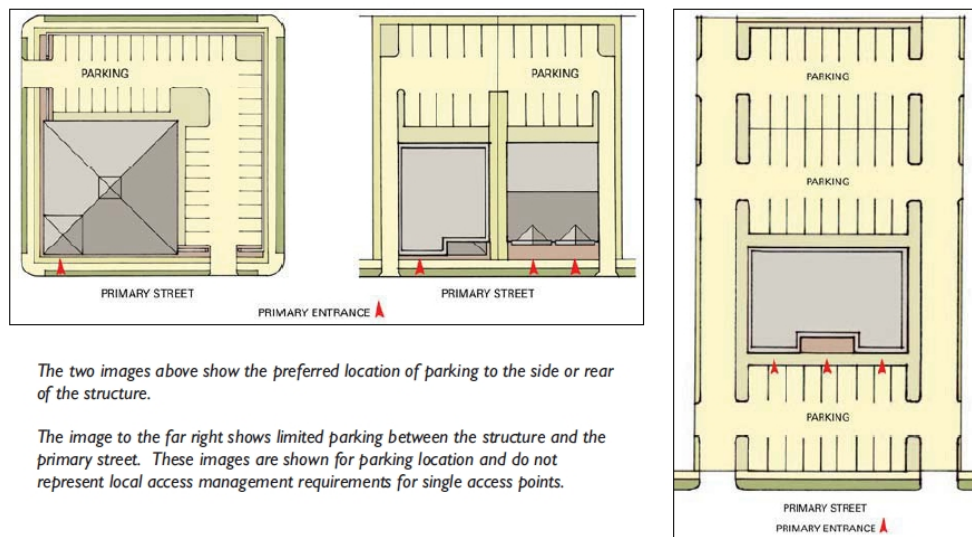


FIGURE 28-1
RESIDENTIAL SETBACKS

28.5 SPECIAL REQUIREMENTS:

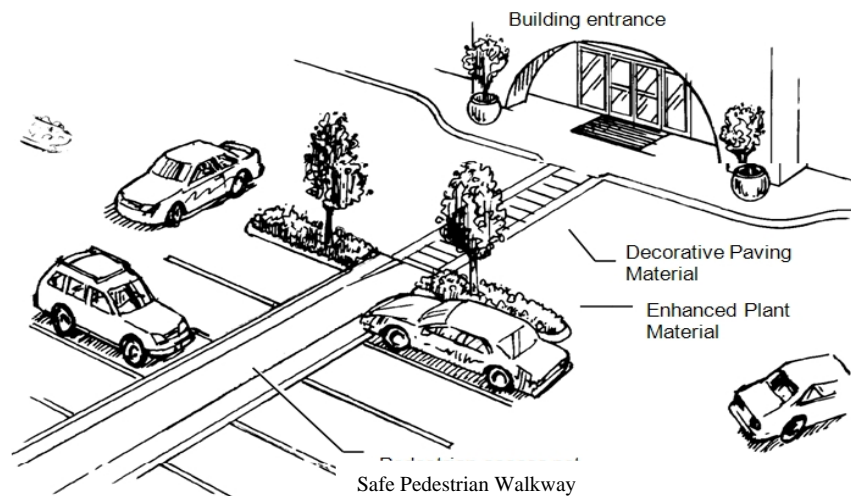
- A. **Maximum Lot Coverage** – Maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- B. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge): subject to TxDOT standards and/or other city design standards
- C. **Sidewalks** – All sidewalks in nonresidential areas adjacent to streets, in parking lots, yards, or located within landscaped buffers or areas shall be a minimum of six feet (6') in width, sidewalks immediately adjacent to or abutting any building shall be a minimum of eight feet (8') in width, sidewalks located in residential developments of the Highway Corridor (HC) District shall be a minimum of four feet (4') in width.

- D. **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:
1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
 2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 3. Shall not extend into public right-of-way or onto adjacent property.
 4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees when permitted by a Temporary Use Permit – see Section 38.10).
- E. **Open Storage** - Open storage is prohibited within 700 feet of the highway right-of-way and where permitted shall not be located in any front or side yard adjacent to a public street and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see Subsection C above).
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.
- G. **Parking Requirements** – In order to improve the appearance, convenience of parking lot circulation for both vehicles and pedestrians, parking areas shall be distributed around large buildings (greater than 20,000 square feet in size) in order to shorten the distance to other buildings and help mitigate heat islands (large areas of paved surfaces).



1. Quantity of spaces shall be in accordance with Section 33, Off-Street Parking and Loading Requirements.
2. Loading areas should be to the side and rear of buildings; when visible from public roadways or residential properties such areas shall be screened by walls and/or evergreen vegetation. Loading areas shall comply with other applicable provisions of Section 33, Off-Street Parking and Loading Requirements.

3. No more than two (2) rows of parking shall be located between any building and the right-of-way line of either a highway or primary roadway.
4. No more than two (2) rows of parking shall be placed between the building and the abutting street on all secondary or tertiary roads and other local public streets for buildings under 20,000 square feet in size. Buildings over 20,000 square feet or if the parking requirement exceeds 100 spaces may have up to 50% of the required parking between the front of the building and the abutting secondary thoroughfare or tertiary (local) street.
5. Rows of parking one hundred fifty (150') feet or longer shall have at least one "safe" pedestrian walkway between the rows of cars for every five traffic lanes meeting ADA requirements for width or pass-by areas and protected by curb stops or solid curbing (openings allowed for drainage) oriented in as much as possible toward major store anchors and/or principle pedestrian destinations.



H. Landscape Requirements – Due to the prominent visibility and higher traffic exposure of the Highway Corridor District it is intended that the aesthetics of this district be enhanced by high quality landscaping, architectural features and site design. Notwithstanding the landscape requirements of Section 34 of this ordinance the following requirements are in addition to those requirements and the minimums stated in this section will take precedence over those listed in Section 34.

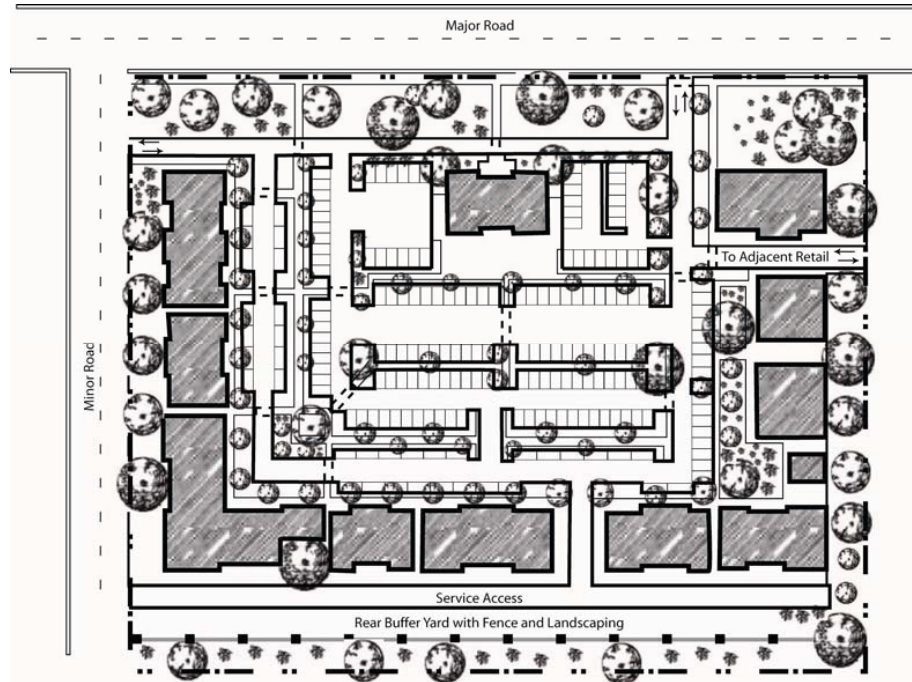
1. A minimum of twenty (20') feet immediately adjacent to the highway right-of-way line or frontage road shall be a landscape buffer with one (1) large tree required for every thirty feet (30') of frontage. Trees may be clustered in groups or evenly spaced. See Section 34 for definitions and other landscape requirements.
2. In areas where the side or rear of a building faces the highway right-of-way, in addition to the trees a continuous row of screening shrubs or landscape berms shall be placed along the highway right-of-way or frontage road adjacent to the building in order to help screen long expanses of wall or service areas except in areas requiring visibility triangles. For the purpose of design articulation the rows need not be in a straight line but may be meandered, staggered or combined with berms.
3. All other street frontages shall have a ten feet (10') wide landscape buffer adjacent to the right-of-way with the same tree requirement as listed above.
4. Sidewalks, monument or directional signs, lighting, public art or outdoor fixed furniture may be placed in the landscape buffers.

5. All site plans requiring more than twelve (12) parking spaces shall be landscaped as follows:
 - a. All main entrances to parking areas from a thoroughfare shall have landscaped treatments using two (2) or more of the following:
 - i. flowering shrubs or trees
 - ii. seasonal color beds
 - iii. rock, boulders, masonry pavers or other decorative materials
 - iv. decorative retaining walls or wrought iron fencing
 - v. monument signs
 - vi. sculptural artwork
 - vii. fountains
 - b. All parking rows twelve (12) spaces or more shall have landscaped islands on the ends a minimum of ninety (90) square feet in size each.
 - c. All parking rows shall have landscaped islands at least every twelve (12) spaces equal to ninety (90) square feet in size. All islands within a parking lot shall have a minimum of one large shade tree. Dense foliage species such as live oak or ornamental pear varieties should be avoided to prevent nuisance bird roosts.
 - d. No parking space shall be located further than sixty feet (60') from a landscaped area.
 - e. All parking lots shall have a minimum of a five feet (5') wide landscape buffer on the perimeter of side or rear property lines not adjacent to a street.

28.6 SITE DESIGN:

- A. **Building Placement:** Buildings should be aligned along a corridor to create a relatively consistent street wall. The application of a build-to line can assist in creating this effect. In order to achieve a consistent appearance along corridors, one or more of the following methods should be used.
 1. All buildings located adjacent to the primary highway frontage road or highway right-of-way shall be located a minimum of twenty (20') feet and a maximum of ninety (90') feet from the right-of-way boundary line regardless of whether the building faces the highway or not in order to accommodate parking and landscaping as required.
 2. All buildings located adjacent to a secondary roadway shall be located a minimum of ten feet (10') feet and a maximum of eighty (80') feet from the right-of-way boundary line regardless of whether the building faces the street or not in order to accommodate parking and landscaping as required. (exception: when building size exceeds 20,000 square feet and 50% of parking is located in front of building according to Section 28.5.G above.)
 3. All buildings under 20,000 square feet in size adjacent to a tertiary road or other local public street shall be located a minimum of zero (0) feet and a maximum of fifty-five (55') feet from the right-of-way boundary line regardless of whether the building faces the street or not.
 4. Where buildings are placed less than ten (10') feet from the right-of-way line on-street parking may be allowed if the street cross section design allows for such parking (parking spaces shall observe visibility and other traffic design requirements, i.e. distance from drives and intersections, etc.)

5. Buildings over 20,000 sq. ft. in size adjacent to a secondary or tertiary road or other local public street may be located further than fifty-five (55') feet from the right-of-way line but no more than 50% of the required parking shall be located between the building and the street right-of-way.
6. When single tracts or lots of land are developed with multiple buildings, the buildings should be oriented toward internal roadways to form block-like configurations with sufficient walkways to provide safe convenient pedestrian circulation throughout the development. Interconnectivity or cross access with adjacent areas where future development is likely to occur shall be maintained in as much as possible. If development constraints prevent internal circulation then building orientation shall be towards adjacent public roadways.



Desirable Design Attribute - Multiple building shopping center configured to take advantage of double facades on the internal circulation routes as well as the on the adjacent public streets. This configuration shows a possible alternative when all of the buildings cannot be oriented toward the major roadway.

28.7 ARCHITECTURAL DESIGN:

The ratio of a building's height to its apparent width which is known as "scale" is a major factor in its overall character and aesthetic appeal. Buildings should respect the human scale and add visual interest to the streetscape. The following guidelines apply to all commercial buildings in the Highway Corridor District. Bulk and massing of buildings should be consistent with other developments in the corridor to maintain cohesion and visual appeal.

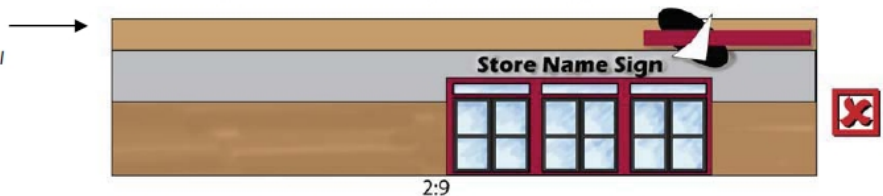
A. Variation in Massing:

1. Buildings should not have a large, dominant mass or overwhelm surrounding development and should, where possible, be configured in a manner harmonious with topography and vegetation. No large expanse of blank walls shall be allowed along front façades but shall incorporate variation through the use of recesses, projections, windows, columns, horizontal and vertical offsets, awnings, canopies, and similar features.
2. A building's vertical and horizontal dimensions should be related to each other through the use of bays or articulation that separate the building planes into components with proportions that emphasize neither the vertical nor horizontal dimension beyond a 2:3 ratio. Buildings with larger footprints should have the façade subdivided into components to provide variation and a hierarchy of components.
3. The figure below illustrates proportion through a series of facades with various proportions and articulation.

The illustration to the right shows the proportions of façades in a traditional-style commercial street which range from 2:3 to a 2:1 vertical to horizontal proportion. These proportions are commonly associated with the "human-scale".



The second façade is an example of an unarticulated box-type store front. Without articulation, the building appears flat and lacks character. The general vertical to horizontal ratio of this façade is 2:9, which emphasizes the horizontal dimension.



The third façade shows the same general area as the second with the addition of both horizontal and vertical articulation through the use of bays and gabled roof forms with dormers. Each bay or section is separated by columns with windows to break up long expanses of flat walls.



4. The façade components may be defined through the use of details, fenestration (window placement), roof forms, building materials, awnings or overhangs, and other structures or landscaping elements.



Design elements enhance pedestrian experience – Trees, Canopies, Furniture, Building Overhangs, etc.

5. Structures should include both horizontal and vertical articulation to reduce the apparent bulk and mass of the building.
6. Buildings should have a clearly defined base, middle and top.
 - a. A recognizable base may consist of, but is not limited to: thicker walls, ledges, or sills; integrally textured materials such as stone or masonry; integrally colored and patterned materials such as smooth-finished stone or tiles; lighter- or darker- colored materials different from the body of the building; mullions; or panels. The use of bulkheads and water table trims are strongly encouraged.
 - b. A recognizable top may consist of, but is not limited to: dimensional cornice treatments other than just colored stripes or bands, variation in masonry pattern or material or differently colored materials; sloping roof with overhangs and brackets; stepped parapets; or aligned openings and articulations.



Undesirable design attributes – very few vertical or horizontal articulations

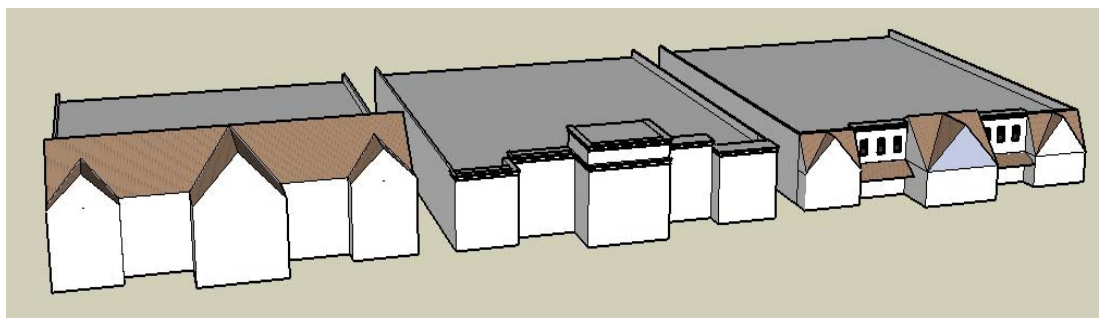


Desirable design attributes – same street façade as above but vertical and horizontal articulations and other architectural details have been added for greatly enhanced aesthetic appeal and pedestrian friendliness

B. Roof Forms:

Roof forms contribute strongly to the overall scale and bulk of a building. Expansive and blank roof planes can increase the apparent bulk of a structure. To enhance the proportion and scale of nonresidential buildings, the following guidelines for roofs should apply.

1. Pitched roof forms including gabled, shed, hipped, and compound or double-gabled forms are the preferred styles. However, all pitched roof forms should include eaves and overhangs finished with appropriate trim and accents to provide a dimensional and finished appearance.
2. Mansard or French-style roofs are appropriate on taller buildings (over two-stories).
3. The use of dormers to break up the roof plane is encouraged.
4. Flat roofs may be appropriate on large footprint structures where full gabled roofs would be structurally impractical. However, the use of a flat roof on small footprint buildings is discouraged.
5. Flat roofs should be enhanced with highly detailed parapets and/or cornices to add dimension to the upper portions of the building.
6. While parapets may be the primary façade treatment for the screening of flat roofs, variation in the parapet heights or adjustment to the roof forms should be used on large buildings to assist in the articulation of the façade.



The façades shown in the image above represent alternative roof form treatments for large buildings to provide variation in the façade and reduce the visual impact of flat roofs.

C. Overhangs, Canopies and Covered Walkways:

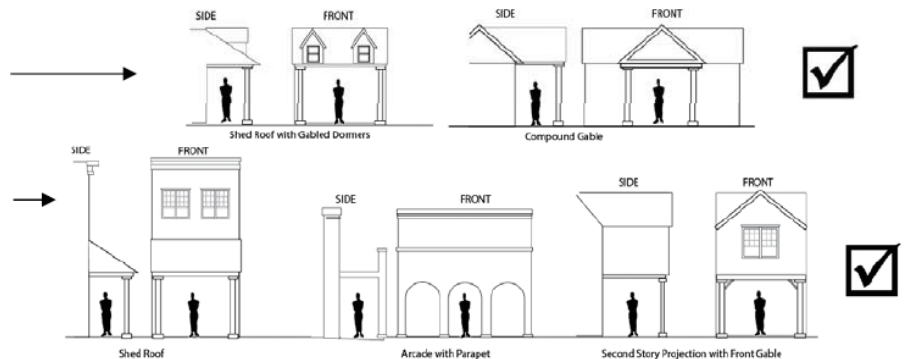
The economic vitality and general quality of life in an often hot climate such as Texas often depends very heavily on providing comfortable pedestrian environments in and around retail, employment centers, restaurants and other high pedestrian traffic areas. Orienting or massing buildings to provide easy access and shorter walking distances to pedestrian destinations as covered previously help mitigate some of the heat island effects of large commercial developments then by adding landscaping and covered walkways the maximum mitigation of the effects of climate can be achieved which results in a vibrant, aesthetically pleasing and pedestrian friendly community. Long flat expanses of projecting upper façade normally seen in older strip shopping centers and single building developments where an excessive amount of signage is usually splashed across every available square foot is also to be strongly discouraged. The following guidelines shall apply to all properties within the Highway Corridor District.

1. Upper portions of primary façades shall not overhang lower portions of the façades to provide covered walkways or shade windows unless the overhanging portion of the structure is supported by piers, pillars, or columns of sufficient width and depth to create the appearance of an arcade, colonnade, or other appropriately scaled architecturally integrated feature.
2. Any portion of a pedestrian walkway immediately adjacent to the southern and western exposures of a building shall have a provision for shade in the form of overhangs, canopies, covered walkways or trees planted in sufficient quantities and locations as to provide adequate shade for pedestrian traffic. Other exposures should also provide for the comfort and appeal of pedestrian traffic in the form of architectural details such as overhangs, canopies, covered walkways or landscaping in order to present a consistent and balanced streetscape.

These images show overhangs from the side and front; the cantilevered overhang in the top row is inappropriate.



The supported overhangs in the bottom two rows represent appropriate ways to provide an overhang on a building with adequate detailing and appropriately scaled support structures.



3. Horizontal banding applied flat or projecting without supports from the upper portion of a façade to act as a cap to the wall or to provide a “marquee” area for signs or brand identification shall be prohibited.
4. The projection or cantilevering of the whole upper portion of a primary façade can overshadow the articulation of the building’s façade and create a top-heavy appearance and shall be prohibited.



Undesirable design attributes – projecting flat upper façade with proliferation of unattractive signage and very obtrusive roof billboard



Desirable design attributes – vertical and horizontal façade articulation with covered colonnade walkway with unobtrusive attractive signage

D. Awnings:

1. Awnings shall not project more than six feet (6') from the façade of the building and shall not be counted towards the shade requirement listed in Section C above. Awnings should be made of durable non-glossy outdoor grade materials in a color that coordinates with the overall design of the building and is compatible with the base colors of the building. Fabric awnings which tend to fade or deteriorate are prohibited. Colors deemed to be inconsistent with these guidelines by the Director, including but not limited to those affiliated with trademarked or brand affiliated colors shall be required to submit color and material samples to the city for approval by the City Council.
2. Awnings may contain logos or names in trademarked colors of the business to which they are attached if they are in compliance with the sign ordinance as adopted.
3. Backlit awnings are prohibited.

E. Freestanding Canopies:

Freestanding canopies such as those at convenience stores should not overshadow the architecture or scale of the associated buildings or adjacent development. The following standards are intended to promote consistent design of these canopies.

1. Scale – The height of a canopy should not exceed that of the primary structure.
2. Roof Form – Sloped roof forms such as gabled, gambrel, hipped, mansard or combinations of these types shall be used on all canopies.
3. Materials – Support columns or piers, roofing, and other exterior finishing materials and colors shall match those used on the primary structure and all elements of the canopy should be proportional to each other.

F. Rooftop Screening:

Where a flat roof is appropriate, the roof surfaces and rooftop equipment shall not be visible from the highway corridor or other public rights-of-way or residential property and shall be appropriately screened by parapets or other architectural features.

G. Sight Lines:

When planning the location of window openings and areas of outdoor activity in commercial or office developments, the privacy of surrounding residential uses should be respected and direct sight lines into residential areas from proposed nonresidential development should be limited. Likewise, sight lines from adjacent residential areas should be evaluated to minimize impact.

H. Exterior Materials:

The following exterior façade standards are intended to promote consistent design and attractive architectural aesthetics within the Highway Corridor District.

1. Permitted Materials – All exterior façade materials shall be in accordance with Section 37 of this ordinance.
 - a. A kick plate, knee wall, or other bulkhead of a solid material shall be installed on all facades except the rear of the building where public traffic is not normally allowed or expected to use. If the rear of the building has a public entry or sidewalk then this section will apply.
 - b. Visible roofing materials shall be appropriate for the architectural style of the structure. Dimensional asphalt shingles, slate, synthetic slate, decorative metal panels, and tile are permitted materials.
 - c. Other materials not listed as prohibited in the section below may be considered on a case by case basis as a primary or accent building material.
2. Prohibited Materials – Exterior façade materials prohibited on facades visible from the public right-of-way are vinyl; aluminum or steel siding; corrugated steel; standard smooth concrete masonry units (cinder block); and highly reflective or mirrored materials like chrome.

28.8 Additional Use Requirements

A. Indoor Shooting Facilities authorized by SUP shall be required to maintain a 30 foot landscaped setback providing full, year round screening to a height of 8 feet from any side or rear property line.

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SECTION 29 COMMERCIAL (C) DISTRICT

29.1 GENERAL PURPOSE AND DESCRIPTION:

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

29.2 PERMITTED USES:

- A. Those uses listed for the C district in Section 32 - Use Charts as "P", "S" or "T" are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

29.3 HEIGHT REGULATIONS:

A. Maximum Height:

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

29.4 AREA REGULATIONS:

A. Size of Lot:

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

B. Size of Yards:

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

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

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

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

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

29.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

1. Arterial street – One driveway per two hundred (200) linear feet of frontage
2. Collector street – One driveway per one hundred (100) linear feet of frontage
3. Local street – One driveway per fifty (50) linear feet of frontage

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

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

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

1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
3. Shall not extend into public right-of-way or onto adjacent property.
4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
6. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

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

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

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

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SECTION 30 LIGHT INDUSTRIAL (LI) DISTRICT

30.1 GENERAL PURPOSE AND DESCRIPTION:

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

30.2 PERMITTED USES:

- A. Those uses listed for the LI district in Section 32 - Use Charts as “P”, “S” or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

30.3 HEIGHT REGULATIONS:

A. Maximum Height:

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

30.4 AREA REGULATIONS:

A. Size of Lot:

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

B. Size of Yards:

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

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

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

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

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

30.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

1. Arterial street – One driveway per two hundred (200) linear feet of frontage
2. Collector street – One driveway per one hundred (100) linear feet of frontage
3. Local street – One driveway per fifty (50) linear feet of frontage

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

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

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

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

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

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SECTION 30A RESEARCH AND TECHNOLOGY PARK (RT) DISTRICT

30A.1 GENERAL PURPOSE AND DESCRIPTION

The research & technology park (RT) district is intended to create a low-density employment center that provides locations for office, development, research and related laboratory facilities, higher quality and low impact manufacturing uses, and limited assembly and fabrication operations. Research & technology park districts should accommodate several users and/or uses in an organized campus environment.

A. RELATIONSHIP TO COMPREHENSIVE PLAN AND PARK MASTER PLAN

An economic development priority is "... diversifying the economic base of the city, increasing the quality of jobs, and enhancing Terrell as a destination for businesses, retail, entertainment, and living. The Terrell Comprehensive Plan also instructs the city to "support high quality investment in targeted industries," "facilitate new medical, technology, and higher education development in Terrell," "increase employment opportunities in professional, scientific, technical services, and energy technologies" as well as research and development facilities, and encourage other business and industry sectors. The Parks, Recreational, and Open Space Master Plan establishes a goal of system connectivity by creating a connected parks system via a comprehensive trail, bikeway, and sidewalk network. The plan also calls for leveraging existing and future park system amenities to attract residents, business, and visitors.

30A.2 PERMITTED USES

A. Those uses listed for the RT district in section 32, use charts as "P", "S" or "T" are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in section 38.10).

30A.3 HEIGHT REGULATIONS

A. Maximum Height:

1. Four stories, up to fifty feet for the main building(s) by right; twenty-four stories, up to 258 feet, with an SUP. One-story accessory buildings may be no higher than twenty-eight feet, interior clear height. Height may be further restricted if adjacency setback criteria listed below cannot be met.
2. Other (section 38, Supplemental regulations shall apply).

30A.4 AREA REGULATIONS

A. Size of Lots:

1. **Minimum Lot Area** - 6,000 square feet.
2. **Minimum Lot Width** - Sixty feet.
3. **Minimum Lot Depth** - One hundred feet.

B. Size of Yards:

1. **Minimum Front Yard** - Thirty feet (30'). All yards adjacent to a street shall be considered a front yard (see section 38 for additional setback requirements).
 2. **Minimum Rear Yard:** Twenty feet (20') unless adjacent to a residentially zoned property (see below).
 3. **Minimum Side Yard:** 20% of lot width.
 4. **Minimum Setback:** three times the height up to eight stories, or 120 feet (120').
 5. **Minimum Side or Rear Yard Adjacent to a Residential District:** Twenty-eight feet (28') for one-story buildings, and an additional twelve feet for every story (or fraction thereof) above one-story in height.
- C. **Maximum Lot Coverage:** Sixty percent including main and accessory buildings; maximum eighty percent including all impervious coverage (including all buildings, parking areas, sidewalks, and all other structures)
- D. **Maximum Floor-Area-Ratio (FAR):** 2:1.
- E. **Parking Requirements:** As established by section 33, off-street parking, sidewalks, and loading requirements.
- F. **Minimum Exterior Construction and Design Requirements:** See section 37.
- G. **Minimum District Size:** Twenty-five contiguous acres; however a TR planned development district may be allowed, following the required public hearing process, for five or more contiguous acres.

30A.5 SCREENING REQUIREMENTS

A. Screening walls for loading areas

1. No loading spaces or areas shall be located within 100 feet of the boundary line of a residential district. Service/loading areas shall be screened from view at a height of eight feet at the residential zoning district line. This eight-foot wall must screen the entire loading dock or space from view from the residential zoning district. Screening materials shall utilize masonry materials similar to that of the building's façades, consistent with section 36. Service/loading areas shall be located at the side or rear of buildings. In lieu of a masonry wall, the planning & zoning commission may require a combination of wing walls extended from a building, screening walls, landscape berms, and/or plant materials to obscure the view of loading and trash collection areas.
2. The above screening elements shall be designed and located in conformance with applicable yard and setback requirements.
3. Screening must extend the entire length of the loading area.
 - a. Screening elements shall be a minimum of eight feet in height at installation. Berms may not exceed a 3:1 slope.
 - b. Retaining walls may be used on the interior side of the berm but shall not face adjacent streets or properties.
 - c. The height shall be measured from the top of the curb of adjacent streets or from the average grade of property lines with adjacent tracts of land.
 - d. The minimum height at installation may be increased to as high as twelve feet, depending on the average grade of the adjacent streets and properties.
4. See section 33 for all other requirements.

B. Screening wall materials

1. Any screening wall required by this section shall be constructed of the following materials:
 - a. Brick, stone, or split-face concrete masonry unit; or
 - b. Pre-cast concrete wall or poured-in-place concrete wall with a similar appearance as brick, stone, or split-face concrete masonry unit.

2. All construction materials shall be earth-tone masonry colors including white.
 - a. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, the decorative or split-face side of the wall shall face the adjacent residential properties or street.
 - b. An unfinished Haydite block wall or a wall with non-earth-tone colors shall be prohibited.
 - c. Smooth-faced concrete masonry units shall not be permitted as a construction material for a screening fence.

C. Screening wall design

1. If masonry is used on the main building, then all masonry walls shall be constructed with the same masonry materials as the main building.
2. The screening wall shall be designed and constructed to prevent any drainage or erosion problems, as approved by the Terrell City Engineer.
3. A minimum five-foot wide screening fence maintenance easement shall be provided on all lots abutting the required screening along the full length of the required screening fence, unless separated by an alley.
4. Proposed screening elements shall be identified on a preliminary site plan. A detailed plan showing the angles of view and the specific placement of screening elements shall be submitted with the final comprehensive site plan.

D. Mechanical equipment screening requirements

1. General
 - a. All mechanical equipment, whether ground-mounted, roof-mounted, or otherwise attached to the building shall be screened from view.
 - b. Mechanical equipment areas shall be constructed, located, and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
 - c. The location, construction, and screening of all mechanical equipment shall be shown on the approved site plan or design drawings.
2. Ground-mounted mechanical equipment, with the exception of an electricity delivery provider's distribution equipment (see section 36), shall be placed behind a screening wall or living screen (e.g., landscaping materials) equal to or greater than one foot above the height of the unit.
3. Roof-mounted mechanical Equipment
 - a. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof, or alternative architectural element.
 - b. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than six feet above the roof.
 - c. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet for each additional one foot of vertical height above the maximum six feet.
 - d. Screening for mechanical equipment shall apply to new building construction only.

E. Other screening requirements: section 36.

30A.6 SPECIAL RESEARCH TECHNOLOGY PARK DISTRICT REQUIREMENTS

- A. Driveway spacing (i.e., distance between driveways, measured edge-to-edge):
 1. Arterial Street: One driveway per 200 linear feet of frontage.

2. Collector Street: One driveway per 100 linear feet of frontage.
 3. Local Street: One driveway per 50 linear feet of frontage.
- B. *Landscaping requirements*: See section 34.
- C. Temporary open storage is limited to a maximum of ten percent of the total lot area, and shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of section 36 (i.e., cannot be visible from any public street or adjacent property). Temporary shall be defined as fifteen days; up to fifteen additional days, in five-day increments, may be granted administratively by the director of municipal development.
- D. Loading areas in RT districts are intended to provide for short-term pick-up and delivery only. Onsite storage of delivery vehicles, including trailers and shipping containers, is prohibited. No delivery vehicles shall be parked outside of the designated loading areas. Adequate space shall be provided to minimize vehicle idling.
- E. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- F. Operations shall be fully enclosed with only temporary outside storage of goods or materials. Outside storage for more than twenty-four hours requires an SUP, and requirements; sections 36.2.D and 38.7 shall also apply.
- G. No noise, vibration, odor, smoke, and dust shall negatively impact adjacent properties, and all other requirements of section 39, Performance Standards, shall apply.
- H. Retail and service uses may not occupy more than 10% of the gross floor area of a building unless the building and the designated location and amount of such uses are part of an approved site plan for more than one building, and the amount of space for these uses does not exceed 10% of the combined floor area of all constructed buildings. The space for these uses may be redistributed within and among the buildings with the approval of a revised site plan. If a site plan includes multiple lots, all property owners must authorize the application. These uses may not be distributed among noncontiguous parcels of land. A freestanding (sole use and occupant) restaurant/cafeteria is permitted in an RT district as part of the 10% allowance described above if it has a minimum of 5,000 square feet of gross floor area and no drive-in window. For the purpose of interpreting this provision, "Gross Floor Area" means the total floor area of a building from the exterior face of a building or from the centerline of a wall separating two buildings, but shall exclude any space where the floor-to-ceiling height is less than six feet and all patios, balconies, and parking facilities.
- I. In order to accommodate future changes in use, approved site plans shall include adequate land area to increase parking to the minimum requirements for office development for 75% of the gross floor area of any building.
- J. Other regulations. As established in the development standards, sections 33 through 44.
- K. A site plan shall be required in conjunction with any application for RT zoning. Refer to subsection 31B.4.D for *procedures and submission* requirements for site plan approval.
- L. Where conflicts exist between zoning requirements in the application of zoning regulations, the more restrictive of the requirements shall apply.

30A.7 ADDITIONAL RESEARCH & TECHNOLOGY PARK (RT) DISTRICT REQUIREMENTS.

The RT district is a district by right and not a planned development overlay district; however, the following subsections within section 31A shall apply to the RT district. Specifically, a comprehensive site plan shall be submitted to city staff, which shall have authority for final review and approval, without the public hearing process as described in section 10. Detailed site plan requirements are stated in relevant sections of section 31B.

*Microbrewery. A facility for the production and packaging of malt beverages of low alcohol content for distribution, retail, wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar, and or live entertainment as otherwise permitted.

**Brewpub. A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either consumption on premises, or in hand-capped containers in quantities up to one-half barrel or 15.5 gallons sold directly to the consumer. Wholesaling shall be permitted only where authorized.

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SECTION 30B HEAVY COMMERCIAL (VC) DISTRICT

30.1 GENERAL PURPOSE AND DESCRIPTION:

Similar to LI, the Heavy Commercial Zone (VC) zone is for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. As complimentary zone to Light Industrial, Heavy Commercial (VC) District is intended primarily to address the City's historical character with many commercial, retail, residential, office, and institutional uses directly adjacent to Light Industrial areas. VC is intended to provide a step down in noise level intensity from Light Industrial as well as providing for a step up in aesthetics by eliminating outside storage, and improving the City's difficulties with storm water management through a greater preservation of impermeable surface areas. As such, various VC dimension requirements vary from those found in LI while certain uses generating noise or heavy truck traffic levels in LI are not included in VC. This different balance as a zoning classification, less intense than Light Industrial but more industrial in nature than Commercial also makes it the appropriate classification for the certain retail businesses, institutions and services that require off-set from residential uses to prevent negative impacts on neighborhoods. VC is intended as an option for development or redevelopment consistent with areas in the Comprehensive Plan identified as IBP: Industrial Business Park.

30.2 PERMITTED USES:

- A. Those uses listed for the VC district in Section 32 - Use Charts as "P", "S" or "T" are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in Section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in Section 38.10).

30.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Thirty five feet (35') for the main building(s), fifteen feet (15') for accessory buildings which may not exceed one story. Note: height may be restricted if residential adjacency setback criteria listed below cannot be met.
- 2. Other (Section 38).

30.4 AREA REGULATIONS:

A. Size of Lot:

- 1. **Minimum Lot Area** - Forty thousand (40,000) square feet
- 2. **Minimum Lot Width** – Two hundred feet (200')
- 3. **Minimum Lot Depth** – Two hundred feet (200')

B. Size of Yards:

- 1. **Minimum Front Yard** – Fifty (50'). All yards adjacent to a street shall be considered a front yard (see Section 38 for additional setback requirements)
- 2. **Minimum Side and Rear Yard** – Fifty feet (50') unless adjacent to a residentially zoned property (see below)

- 3. **Minimum Side or Rear Yard Adjacent to a Residential District** – Fifty feet (50') for one-story building, and an additional fifteen feet (15') for every story (or fraction thereof) above one-story in height.
- C. **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum seventy percent (70%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- D. **Maximum Floor-Area-Ratio (FAR)** – Two to one (2:1).
- E. **Parking Requirements** - As established by Section 33, Off-Street Parking and Loading Requirements.
- F. **Minimum Exterior Construction Standards** – See Section 37.

30.5 **SPECIAL REQUIREMENTS:**

- A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
 - 1. Arterial street – One driveway per two hundred (200) linear feet of frontage
 - 2. Collector street – One driveway per one hundred (100) linear feet of frontage
 - 3. Local street – One driveway per fifty (50) linear feet of frontage
- B. **Landscaping Requirements** – See Section 34.
- C. **Screening Requirements** – See Section 36.
- D. No outside storage is allowed.
- E. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 44.

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SECTION 31 OVERLAY AND SPECIAL DISTRICTS

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

SECTION 31A PD – PLANNED DEVELOPMENT OVERLAY DISTRICT

31A.1 GENERAL PURPOSE AND DESCRIPTION:

- A. The City Council of the City of Terrell, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development (PD) overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:
1. To provide for a superior design on lots or buildings;
 2. To provide for increased recreation and open space opportunities for public use and enjoyment;
 3. To provide amenities or features that would be of special benefit to the property users or to the overall community;
 4. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscales, or wildlife habitats;
 5. To protect or preserve existing historical buildings, structures, features or places;
 6. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
 7. To meet or exceed the standards of this Ordinance.
- C. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

31A.2 PERMITTED USES:

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

- B. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by SUP at the time of PD approval, and if specifically cited as an “additional use” (i.e., to those allowed by right in the PD) in the ordinance establishing the PD.
- C. Any use that is not specifically cited as permitted (by right or by SUP) in the applicable base zoning district(s) or the PD ordinance shall be prohibited unless the PD ordinance is amended using the procedures set forth in this Section and in Section 10 of this Ordinance.
- D. In the case of residential PD districts, the proposed lot sizes shall be similar in size as the designated base density.

31A.3 PLANNED DEVELOPMENT REQUIREMENTS:

- A. Any development requirements for a particular PD district that deviate from those of the base zoning district(s) shall be set forth in the amending ordinance granting the PD district. These shall include:
 - 1. Allowed or additional (i.e., SUP) uses,
 - 2. Density,
 - 3. Lot area, width, and/or depth,
 - 4. Yard depths and widths,
 - 5. Building height, size, and/or exterior construction,
 - 6. Lot coverage,
 - 7. Floor area ratio,
 - 8. Parking,
 - 9. Access,
 - 10. Screening,
 - 11. Landscaping,
 - 12. Accessory buildings,
 - 13. Signs,
 - 14. Lighting,
 - 15. Project phasing or scheduling,
 - 16. Property management associations, and
 - 17. Other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, uses and development standards shall conform to the standards and regulations of the base zoning district(s) unless specifically stated otherwise in the PD ordinance. The base zoning district(s) shall be stated in the PD granting ordinance.
 - 1. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance as applicable to each base zoning district (applications without this list will be considered incomplete).

2. The PD district shall conform to all other regulations of the applicable base zoning district(s), as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.
 3. A PD that is based upon more than one (1) base zoning district shall also include a legal (i.e., metes and bounds) description and graphic exhibit describing/showing the proposed boundaries of each respective area and its base zoning district (e.g., shown as “Proposed PD-SF-7.5”, “Proposed PD-NS”, etc.).
- C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD district granted therein, as well as a general statement citing the reason for the PD request.
- D. The minimum acreage for a planned development request shall be One (1) acre.

31.A.4 APPROVALS REQUIRED

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

31.A.5 COMPREHENSIVE SITE PLAN

- A. **Purpose:** This Section establishes a review process for Comprehensive Site Plan, which are required for all Planned Developments. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.
- B. **Applicability:** Following approval, development applications, including construction plats and site plans, shall be in substantial conformance with the approved Comprehensive Site Plan.
- a. The Comprehensive Site Plan shall be submitted no later than sixty (60) days prior to commencement of the first phase of development for final approval by the City Council in order facilitate processing the application. If a complete application for a Comprehensive Site Plan is not submitted within two (2) years of the effective date of the PD Ordinance, the right to submit such plan shall expire unless the owner submits a written request to the City Council for an extension within six (6) months of the expiration date.
 - b. If the application for a Comprehensive Site Plan is not submitted within the periods provided in subsection (c), The City Council shall determine whether the right to submit the Comprehensive Site Plan application should be reinstated, or whether the property should be rezoned to another classification. The City Council, on recommendation of the Planning and Zoning Commission, may take one of the following actions:
 1. Reinstated the right to submit the subject Comprehensive Site Plan application within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of the project; or
 2. Modify the PD District regulations applicable to the property; or
 3. Repeal the PD District for the affected portions of the property and zone such property to another zoning district classification.

- C. **Building Permit & Certificate of Occupancy:** No building permit shall be issued until a Comprehensive Site Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Comprehensive Site Plan and engineering/construction plans, as approved by the City.
- D. **Extent of Area That Should Be Included In a Comprehensive Site Plan:** When the overall development project is to be developed in phases, the area included within the Comprehensive Site Plan shall include only the portion of the overall property that is to be developed/constructed.
- E. **Procedures & Submission Requirements for Comprehensive Site Plan Approval:** All Comprehensive Site Plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Comprehensive Site Plan applications.
- F. **Review & Approval of a Comprehensive Site Plan:** The approval process for a Comprehensive Site Plan shall generally be review by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

1. CITY STAFF REVIEW OF COMPREHENSIVE SITE PLANS

- a. Upon official submission of a complete application of a Concept Plan for approval, the City shall review the application. Specifically, the MD Director, City Engineer, and the Building Official (or their designee) shall review the Concept Plan prior to the Comprehensive Site Plan being forwarded to the Planning and Zoning Commission
- b. Comprehensive Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.
- c. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Comprehensive Site Plan to the MD Director (or his/her designee) at least twelve (12) calendar days prior to the Planning and Zoning Commission meeting.
- d. The MD Director shall then submit the corrected plan to the Planning & Zoning Commission.
- e. It should be noted that the MD Director (or his/her designee) shall forward the original plan application to the Commission if the corrected version is not resubmitted within the prescribed time period.
- f. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

2. PLANNING & ZONING COMMISSION REVIEW OF COMPREHENSIVE SITE PLANS

- a. All Comprehensive Site Plan applications shall be reviewed by the Planning and Zoning Commission.
- b. The MD Director, or his/her designee, shall schedule consideration of the Comprehensive Site Plan application on the regular agenda of the Planning and Zoning Commission within forty-five (45) calendar days after the application is received.
- c. The Planning and Zoning Commission shall review the Comprehensive Site Plan, conduct a public hearing to take public comment on the matter and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the Comprehensive Site Plan.

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

- a. All Comprehensive Site Plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.
- b. The MD Director, or his/her designee, shall schedule consideration of the Comprehensive Site Plan application on the regular agenda of the City Council.
- c. The City Council shall review the Comprehensive Site Plan, conduct a public hearing to take public comment on the matter and shall approve, approve subject to certain conditions, or deny approval of the Comprehensive Site Plan.

G. Revisions to the Approved Comprehensive Site Plan:

1. MINOR REVISIONS/AMENDMENTS

- a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Comprehensive Site Plan. In such cases, the MD Director, or his/her designee, shall have the authority to approve minor modifications to an approved Comprehensive Site Plan. Such minor modifications submitted on an “Amended Comprehensive Site Plan”, which shall substantially conform to the previously approved Comprehensive Site Plan.
- b. Submission materials and requirements for approval of an Amended Comprehensive Site Plan shall be as determined by the MD Director or his/her designee.

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

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

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

- A. Site Plans for subsequent phased development of individual lots or pad sites shall be required if specified as part of the Planned Development and shall be in substantial conformance with the approved Comprehensive Site Plan.
- B. Such Site Plans shall follow the review and approval procedures, and will expire after two (2) years if construction has not been initiated.

31A.7 GENERAL APPROVAL PROCESS AND PROCEDURES:

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

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

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

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

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

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

- (A) Any PD project for which no Site Plan, plat, or other required permit has been submitted for a period of five (5) years following the approval of the related Comprehensive Site Plan shall expire on the last day of that 5-year period.
- (B) After such 5-year period has ended and the project expires, the Planning and Zoning Commission shall consider whether the undeveloped land within PD District should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to Section 10 of this Ordinance. The Commission thereafter shall recommend to the City Council whether the right to submit a Site Plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be zoned to another classification.
- (C) Council Consideration & Factors. The Commission's recommendation shall be considered by the City Council in accordance with procedures for action upon a zoning map amendment pursuant to Section 10 of this Ordinance. The Council shall determine whether the right to submit the Site Plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:
 - (1) Whether the PD District remains consistent with the Comprehensive Plan;
 - (2) Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
 - (3) Whether there are extenuating circumstances justifying the failure to submit a Site Plan, plat, or other required permit during the applicable time period; and
 - (4) Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.
- (D) Council Action. Upon (A), (B) and (C) above occurring, the City Council may take the following actions:

- (1) Reinstate the right to submit the Site Plan, plat, or other required permit for the original PD project within a certain time, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;
- (2) Modify the PD district regulations applicable to the property; or
- (3) Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.

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

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

31A.12 DOCUMENTATION OF PLANNED DEVELOPMENT ORDINANCES

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

31A.13 SIGNAGE ON BUILDING FACADES/SHOPPING CENTERS

- A. Within all Planned Development zoning districts, the Municipal Development Director may approve signage affixed to or extending from the building façade if such signage meets the all the following criteria (a) consistent with the brand identification standards of the on-site business, (b) it does not create a traffic hazard or unsafe visual distraction to nearby drivers or pedestrians, (c) it is professionally designed and submitted with sufficient design detail to determine that the materials and fixtures are of a high quality, long-lasting nature, (d) the placement and size of the signage is not in conflict with pedestrian traffic or sight lines, and (e) the maximum height any element of the signage does not exceed the height of the roof line by more than ten feet.
- B. A Sign District Overlay may be created through the overlay process in site plan form for shopping centers, multi-tenant parcel centers, corporate brand identification and master planned developments.

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SECTION 31B SUP - SPECIFIC USE PERMITS

31B.1 PURPOSE AND INTENT:

- A. **Nature of Specific Use Permits** - A specific use permit (SUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed specific uses and the procedures for approving specific use permit applications.
- B. **Permit required** - No specific use permit shall be established and no building permit shall be issued for any use requiring a specific use permit within any zoning district until a specific use permit (SUP) is issued in accordance with the provisions of this Section. An application for a specific use permit shall be accompanied by a detailed site plan prepared in the manner described in Section 12. The Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 31B.4.

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

The following general rules apply to all specific uses:

- A. The designation of a use in a zoning district as may be permitted by SUP in Section 32 (Use Charts) of this Ordinance does not constitute an authorization or assurance that such use will be approved.
- B. Approval of a specific use permit shall authorize only the particular use for which the SUP is issued.
- C. No use authorized by a specific use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new specific use permit in accordance with the procedures set forth in this Section and Section 10 of this Ordinance.
- D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.
- E. If the use for which the SUP was granted is abandoned for a period of six (6) months then the City Council at its own discretion may remove the SUP by ordinance after conducting a public hearing in accordance with Section 10.

31B.3 APPLICATION FOR SPECIFIC USE PERMIT:

- A. **Application Requirements** - An application for a specific use permit may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a Site Plan prepared and approved in accordance with the requirements of Section 31B.4 below. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a specific use permit. All Site Plan applications shall be subject to the review and expiration procedures in Section 31B.4.
- B. **Subdivision Approval** - If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a specific use permit (see Subdivision Ordinance). Approval of the specific use permit shall not become

effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the specific use permit shall take effect upon final plat approval of the phase of the subdivision containing the property on which the specific use is to be located.

31B.4 **SITE PLAN:**

- A. **Purpose** – This Section establishes a review process for Site Plan applications. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.
- B. **Applicability** – A Site Plan shall be required in conjunction with any application for an SUP. Refer to Section 12.1.B.2 for applicability regarding other developments for which a Site Plan shall be required.
- C. **Building Permit & Certificate of Occupancy** – A Site Plan shall be submitted in conjunction with a building permit application (this is a different application than the Building Permit Plan discussed within Section 12). No building permit shall be issued until a Site Plan, as required, and all other required engineering/construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.
- D. **Procedures & Submission Requirements for Site Plan Approval:** All Site Plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). The specific requirements for Site Plan applications shall include the following.
 - 1. When the overall development project is to be developed in phases, the Site Plan shall include only the portion of the overall property that is to be developed/constructed.
 - 2. A title block within the lower right hand corner of the site plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Kaufman County, Texas;
 - 3. A vicinity or location map that shows the location of the proposed development within the City (or its ETJ) and in relationship to existing roadways;
 - 4. The boundary survey limits of the tract (and each proposed lot) and scale distances with north clearly indicated;
 - 5. The names of adjacent additions or subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
 - 6. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements (with recording information); existing buildings; railroad rights-of-way; topography (contours at two-foot intervals) with existing drainage channels or creeks (including the 100-year flood plain, if applicable); any other important natural features (such as rock outcroppings, caves, wildlife habitats, etc.); and all substantial natural vegetation;

7. Proposed strategies for tree preservation (showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction);
8. The layout and width (right-of-way lines and curb lines) of existing and proposed thoroughfares, collector streets and/or intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways (show driveway widths and distances between driveways), and proposed median openings and left turn lanes on future divided roadways (existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings);
9. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages (for multi-tenant or multi-purpose buildings, show square footage for each intended use), massing, orientation, loading/service areas (including proposed screening), recycling containers, compactors and dumpster enclosures (including proposed screening), pedestrian walkways, and parking areas (including parking ratio calculations); any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; and
10. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule (including species, planted height, spacing, container/caliper size, numbers of each plant material, etc.) any existing wooded areas, trees to be planted, and irrigation plans (if required).
11. Building façade (elevation) plans showing elevations with any attached (wall-mounted) signage to be used, as determined appropriate by the MD Director.

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

E. Review & Approval of a Site Plan:

1. CITY STAFF REVIEW OF SITE PLANS

- a. Following submittal of a complete application of a Site Plan in accordance with Section 12 of this Ordinance, City staff shall review the Site Plan application. Specifically, the Director of Municipal Development, City Engineer, and the Building Official (or their respective designees) shall review the Site Plan prior to the Site Plan being forwarded to the Planning and Zoning Commission.
- b. Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.
- c. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Site Plan to the Director of Municipal Development (or his/her designee) within seven (7) calendar days prior to the Planning and Zoning Commission meeting.
- d. The Director of Municipal Development shall then submit the corrected plan to the Planning & Zoning Commission.

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

2. PLANNING & ZONING COMMISSION REVIEW OF & ACTION ON SUP SITE PLANS

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

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

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

F. Revisions to the Approved Site Plan:

1. MINOR REVISIONS/AMENDMENTS

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

- b. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the Director of Municipal Development or his/her designee.
 2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Site Plan must be resubmitted for review and approval. The Director of Municipal Development shall have the authority to determine whether changes to a Site Plan warrant another review and approval procedure (in accordance with this Section).
- G. **Effect of Review/Approval:** The Site Plan shall be considered authorization for a Specific Use Permit, as well as authorization to proceed with construction of the site (if applicable) and other required City approvals (such as final plat, engineering plans, building permit, etc.).
- H. **Validity & Lapse of SUP Site Plan Approval:** A Site Plan shall be considered a “permit” as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).
 1. VALID FOR TWO YEARS: Any approved Site Plan shall be deemed expired two (2) years from the date on which the Site Plan was originally approved by the City Council if no progress has been made toward completion of the project.
 2. PROGRESS BENCHMARKS: The term “progress” shall be as defined based on TLGC Chapter 245.005 as follows:
 - a. Plans for construction and an application for a building permit for at least one of the buildings on the approved Site Plan are submitted within two (2) years following approval of the Site Plan.
 - b. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
 - c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
 - d. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
 - e. Utility connection fees or impact fees for the project have been paid to the City.
 3. EXPIRATION: If one of the items listed in Subsection 2.a through 2.e above is not accomplished within the two-year period, then the approved Site Plan shall expire and shall become null and void.
 4. EXTENSION & REINSTATEMENT PROCEDURE:
 - a. Prior to the lapse of approval for a Site Plan, the applicant may petition the City (in writing) to extend the Site Plan approval.
 - b. Such petition shall be recommended for approval or denial by the Planning and Zoning Commission, and shall be granted approval or denial by the City Council.
 - c. If no petition is submitted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be deemed a “new permit”, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
 - d. In determining whether to grant a request for extension, the Planning and Zoning Commission and City Council shall take into account:
 - i. The reasons for the lapse,

- ii. The ability of the property owner to comply with any conditions attached to the original approval, and
- iii. The extent to which development regulations would apply to the Site Plan at that point in time.

31B.5 STANDARDS:

- A. **Factors for Consideration** - When considering applications for a specific use permit, the Planning and Zoning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the Site Plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:
1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Ordinance;
 4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - b. Off-street parking and loading areas;
 - c. Refuse and service areas;
 - d. Utilities with reference to location, availability, and compatibility;
 - e. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - g. Required yards and open space;
 - h. Height and bulk of structures;
 - i. Hours of operation;
 - j. Exterior construction material and building design; and
 - k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
 5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
 6. The proposal adheres to relevant industry standards and liability coverage requirements.
- B. **Conditions** - In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of operation, etc.) as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 10. Such additional conditions shall exceed the minimum standards contained herein or in any other applicable City code or ordinance, and they cannot, in effect, relax or grant relief from any of the City's minimum standards (see Subsection C below). Any conditions imposed shall be set forth in the ordinance approving the specific use permit, and shall be incorporated into or noted on the

Site Plan for final approval. The Municipal Development Department shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the specific use permit, and shall sign the Site Plan to indicate final approval. The City shall maintain a record of such approved specific use permits and the Site Plans and conditions attached thereto.

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

31B.6 EXPIRATION AND EXTENSION:

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

31B.7 AMENDMENT:

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

31B.8 OTHER REGULATIONS:

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

31B.9 USE REGULATIONS:


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


SECTION 31C (Reserved)


IV. USE REGULATIONS


SECTION 32 USE REGULATIONS (CHARTS)


- 32.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. See Section 44 – Definitions for further descriptions of uses. The legend for interpreting the permitted uses in the Use Charts (Section 32.2) is:


Designates  permitted in the zoning district indicated.


 Designates use prohibited (i.e., not allowed) in the zoning district indicated.

 Designates use may be permitted in the zoning district indicated by Specific Use Permit (also see Section 31B).

 Designates permitted uses in the Highway Corridor District which are restricted and cannot be located within 700 feet of the highway right-of-way (IH 20, US Hwy 80, Spur 557, proposed Outer Loop and proposed Alternate US 80 alignment). (see Section 28 for further details of restrictions)

Temporary  Use Permit required. (see Section 38.10)

 Indicates Restricted – must meet Fire Code and Certificate of Occupancy requirements – local and state laws apply.

10,  Limited to existing structures lawfully / actively used for such purpose on December 2024.

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

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

1. Agricultural Uses
2. Residential Uses
3. Accessory and Temporary Uses
4. Institutional Uses
5. Amusement and Recreational Uses
6. Office and Professional Uses
7. Personal and Service Uses
8. Retail Uses

9. Automotive Uses
10. Transportation Uses
11. Governmental and Utility Uses
12. Commercial and Wholesale Uses
13. Light Industrial and Manufacturing Uses

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

1. **Initiation:**

- a. A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.
- b. A person requesting the addition of a new or unlisted use shall submit to the Municipal Development Department all information necessary for the classification of the use, including but not limited to:
 - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (2) The type of product sold or produced under the use;
 - (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (4) Anticipated employment typically anticipated with the use;
 - (5) Transportation requirements;
 - (6) The nature and time of occupancy and operation of the premises;
 - (7) The off-street parking and loading requirements;
 - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
 - (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
 - (10) Impervious surface coverage.
2. The Municipal Development Department shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection "b" above. An amendment to this Ordinance shall be required as prescribed by Section 10.
3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and

determine the zoning district or districts within which such use is most similar and should be permitted (by right or by SUP).

4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10 (i.e., following notification and public hearing, etc.).
5. Standards for new and unlisted uses may be interpreted by the Municipal Development Department as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the Municipal Development Department may be appealed according to the process outlined in subsections "2" through "4" above.

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V. DEVELOPMENT STANDARDS

SECTION 33 OFF-STREET PARKING, SIDEWALKS, AND LOADING REQUIREMENTS

33.1 PURPOSE:

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

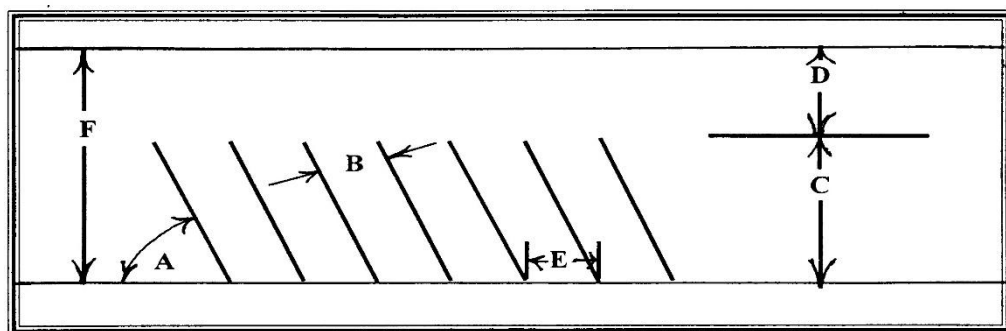
33.2 RESIDENTIAL DISTRICTS - SPECIAL OFF-STREET PARKING AND SIDEWALK PROVISIONS:

- A. Required off-street parking shall be provided on the same lot/site as the use it is to serve.
- B. A minimum of two (2) enclosed parking spaces (garage), located behind the front building line, shall be provided in the AG, TX, EE-32, SF-16, SF-10, SF-7.5, and SF-6 districts. A minimum twelve feet (12') wide paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25') from any right-of-way, property line or alley including detached garages. No garage door shall face towards the front property line but shall be rear or side loaded only except in cases of infill development in which the majority of the homes in the vicinity are front loaded or instances where side or rear loading is infeasible due to unique constraints such as topography, floodplain, etc. Exceptions to side or rear loading for new development shall require approval by the City Council during normal zoning or platting application review. Exceptions for infill lots shall be approved by the Building Official during building permit review. Infill redevelopment in the SF-6 district (platted prior to May 2008) a minimum of two (2) spaces one of which shall be enclosed or covered (carport). See specific district requirements for all other residential districts.
- C. All vehicle parking (including motor vehicles, recreational vehicles, boats, trailers, personal watercraft, etc.) shall be on a suitably paved parking surface (defined as concrete or asphalt paving). Existing crushed rock parking areas constructed prior to the date of adoption of this ordinance may be continued to be used, however, they may not be enlarged and all new parking areas shall be constructed of concrete or asphalt paving materials. Minimum construction standards for asphalt paving are four (4") inches of compacted base and two (2") inches of rolled asphalt. Minimum construction standards for concrete paving are 4 inches of concrete with #3 rebar on 18 inch centers. All driveways and approaches to parking spaces shall be similarly paved, except in the AG in which driveways in excess of fifty feet (50') in length shall be paved in concrete or asphalt for the first fifty feet (50') and the remainder may be constructed of crushed rock in lieu of asphalt or concrete a minimum of six (6") inches thick.
- D. No required enclosed parking space, garage, carport, or other automobile storage space shall be converted into living space unless the required enclosed parking is provided elsewhere on the same lot which meets all other requirements of this ordinance such as, setbacks, exterior façade materials, etc.
- E. All residential development shall install sidewalks in accordance with the District requirements listed herein and the Subdivision Regulations as adopted or amended.

33.3 NONRESIDENTIAL AND MF DISTRICTS - SPECIAL OFF-STREET PARKING AND SIDEWALK PROVISIONS:

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 40.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with the adopted International Fire Code. Every parking space shall be located within the minimum required distance of a designated fire lane.
- C. All nonresidential development shall install sidewalks in accordance with the Subdivision Regulations as adopted or amended.
- D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown in Table 33-1 below for space size and aisle design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
 1. Standard: Nine feet (9') by twenty feet (20') – eighteen-foot (18') length is allowed provided that the parking space has a two-foot (2') clear bumper overhang area that does not encroach upon a public right-of-way, a sidewalk of less than six feet (6') in width, or adjacent property.
 2. Parallel: Nine feet (9') by twenty-two feet (22').

ILLUSTRATION 33-1 Minimum Dimensional Standards for Parking							
This table and the diagram below provide the minimum dimensional standards for parking areas and spaces.							
A = Parking angle in degrees				D = Minimum clear aisle width			
B = Minimum stall width				E = Minimum clear stall distance at bay side			
C = Minimum stall depth				F = Minimum clear bay width			
A	B	C	D One Way	D Two Way	E	F One Way	F Two Way
O (parallel)	9'0"	-	12'0"	20'0"	22'0"	21'0"	29'0"
45	9'0"	22'0"	15'0"	20'0"	12'9"	37'0"	42'0"
60	9'0"	21'0"	18'0"	20'0"	10'4"	39'0"	41'0"
90	9'0"	18'0"	24'0"	24'0"	9'0"	42'0"	42'0"



- D. All drive aisles, fire lanes, off-street parking, maneuvering, loading and storage areas shall be paved with paving in accordance with the City's paving design standards (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces) and graded to drain

properly per City standards (i.e., no standing or pooling of water). All driveway approaches shall be constructed as described above, and shall be curbed to City standards. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public sidewalk, except for single- and two-family dwellings, which shall not be allowed to egress onto roadways that are larger than a residential collector (60' right-of-way) street unless specifically permitted by the City with the construction plat application. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space (except business locations in the downtown area that are already in existence as of the effective date of this Ordinance), or for circulation within the parking lot. All entrances into parking lots shall be at least twenty-four feet (24') in width, and shall conform to the City's adopted Subdivision Regulations.
- F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than twenty feet (20') and without having to go the wrong way in a traffic aisle.
- H. Handicap parking space(s) shall be provided according to building codes, State and Federal laws, and requirements of the Americans with Disabilities Act (ADA) and must be approved by the Texas Department of Licensing and Regulation (TDLR), P.O. Box 12157, Austin, Texas, 78711 (800-803-9202). Parking spaces for persons with disabilities shall be as close as possible to the main entrance of the building, and shall be appropriately and clearly marked. The following are general guidelines and are for reference only:

ADA Parking Requirements

<u>Total Parking in Lot</u>	<u>Required Minimum Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

Access aisles adjacent to handicapped parking spaces shall be a minimum of forty-eight (48") inches.

- I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses.
- K. Off-street stacking requirements for drive-through facilities:
 - 1. A stacking space shall be an area on a site measuring at least nine feet (9') wide by twenty feet (20') long with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least nine (9) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
 - 2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.
 - 3. For each service window of a drive-through restaurant, a minimum of five (5) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
 - 4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
 - 5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
 - 6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
 - 7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
 - 8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay itself.
- L. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than three (3) parking spaces deep unless adequate turnaround

space is provided. A minimum five-foot (5') deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

- M. All parking structures must conform to the construction and design standards of the zoning district in which they are located.

33.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:

- A. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustrations 33-2 and 33-3). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. The minimum dimensions of a "regular" loading space shall be ten feet by thirty feet (10' x 30'), and a "large" loading space shall be at least ten feet by sixty-five feet (10' x 65'). Loading spaces or berths shall be provided in accordance with the following schedule:

- (a) Office uses, or portion(s) of building devoted to office uses:

0 to 19,999 square feet:	0 spaces
20,000 to 49,999 square feet:	1 regular space
50,000 to 149,999 square feet:	1 regular space and 1 large space
150,000+ square feet:	2 regular spaces and 1 large space

- (b) Retail/commercial and restaurant uses, or portion(s) of building devoted to retail/commercial and restaurant uses:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 29,999 square feet:	1 regular space and 1 large space
30,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000:	1 additional large space

- B. In all nonresidential zoning districts, loading docks or service/delivery entrances shall not be constructed facing any public street (except for large industrial uses; see Subsection B.1 below), and shall not be visible from any public street. Such loading areas shall be screened from view of any public street by the building itself, or by a masonry screening wing wall at least eight feet (8') in height and at least one foot (1') higher than the top of any dock opening. Such masonry wing wall shall match the exterior construction materials and colors of the main building, and shall be located no closer than one hundred feet (100') to any public street right-of-way line (see Illustration 33-3).

1. For large industrial or warehouse uses in the LI zoning district only, the loading docks may face a public street, and shall not be required to provide a masonry screening wing wall, provided that a minimum thirty-foot (30') wide landscape buffer area is provided adjacent to the street right-of-way line. One (1) large shade trees shall be provided within the landscape buffer area for every twenty feet (20') of street frontage, or one (1) small ornamental tree shall be provided for every twelve feet (12') of street frontage (or some combination thereof). In addition, a solid massing of large evergreen shrubs and three- to four-foot tall berms shall be provided to further screen loading area from view of the street (see Illustration 33-4).

Illustration 33-2: Off-Street Maneuvering for Loading Area

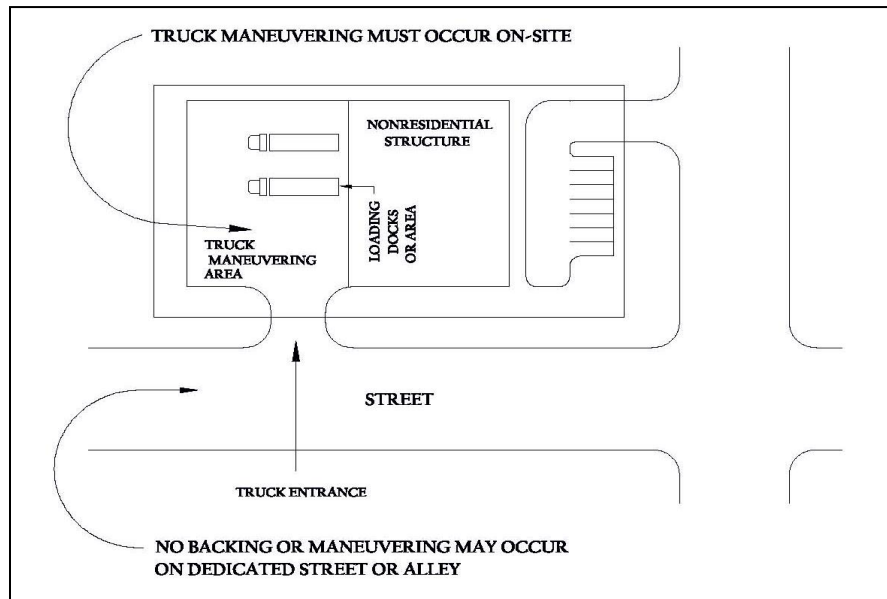


Illustration 33-3: Loading Area Screening

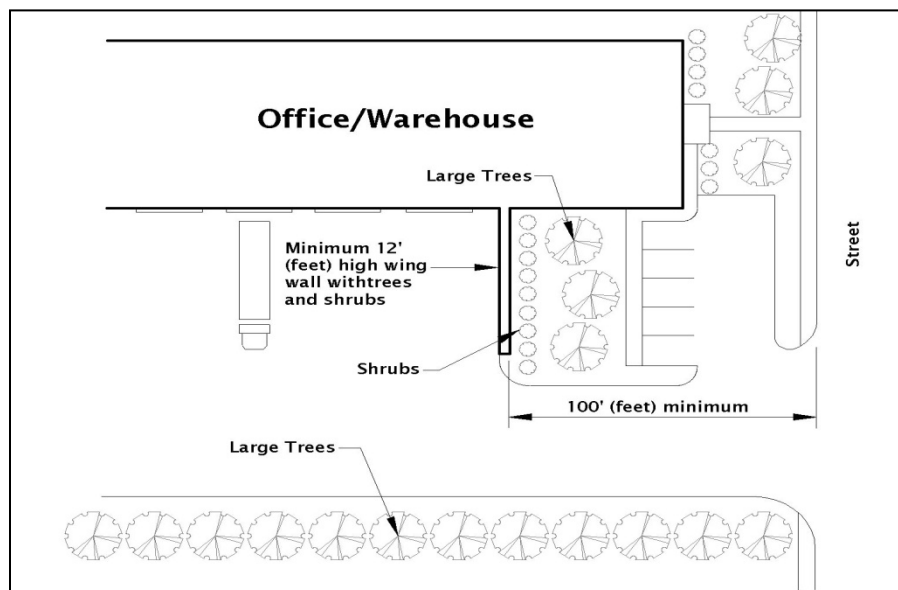
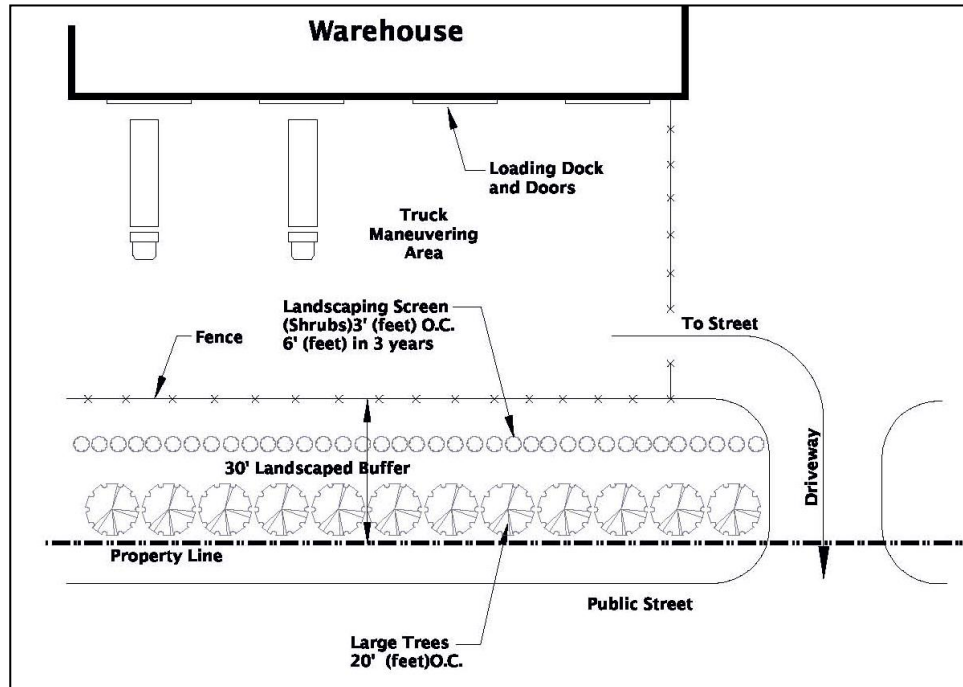


Illustration 33-4: Loading Area Placement & Screening in LI Zoning District



- C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential district shall be designed and constructed so as to enclose the loading operation on at least three sides in order to reduce the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the required plan (i.e., Building Permit Plan, Concept Plan, Site Plan) provided that the approving authority (i.e., City staff, City Council) makes a finding that the alternative method of screening/buffering will be adequate to protect nearby residences.
- D. Kindergartens, elementary schools, day schools, and similar child training and care establishments, and middle schools shall provide one (1) paved off-street pedestrian loading and unloading space (i.e., stacking spaces) for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence), not to exceed thirty (30) spaces. An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas. This standard shall be in addition to other off-street parking requirements.
- E. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses, provided that: 1) the number of spaces satisfies the requirements for the combined square footages for the buildings or uses in question, and 2) for loading spaces to be shared among separate lots, they must be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the City (for file).

33.5 PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:

- A. In the approval of the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan), design consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.
- B. In all districts (except single-family and duplex zoning districts), the applicable required plan shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time of site plan and final plat approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as “head-in” parking spaces which are accessed directly from the street.
- D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustration 33-1.

33.6 PARKING REQUIREMENTS BASED UPON USE:

- A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
 - 1. **Automobile sales or service:** See Motor-Vehicle Sales.
 - 2. **Bank, savings and loan, or similar depository financial institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 33.3 K.) (see non-depository financial establishment)
 - 3. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use.
 - 4. **Bowling alley or center:** Six (6) parking spaces for each alley or lane.
 - 5. **Bus depots, Airport Terminals and other similar transportation uses:** For terminals or other human transportation use, one (1) space per one hundred (100) square feet of passenger waiting areas plus 1.2 spaces for each employee of the facility based upon the number of employees on the largest shift.
 - 6. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces (also see Subsection 33.3 K.)
 - 7. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Subsection 33.7(B))
 - 8. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:

- a. Racquetball or handball courts - Three (3) spaces for each court
 - b. Indoor tennis courts - Six (6) spaces for each court
 - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet.
 - d. Dance/aerobics studio, or assembly/exhibition hall without fixed seats – One (1) parking space for each one hundred (100) square feet of floor area thereof.
 - e. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area
 - f. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet
 - g. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet
 - h. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3.5) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 33.7(B))
 - i. Amusement Center - One (1) space for each game table and one (1) space for each amusement device
 - j. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
8. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area.
 9. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area.
 10. **Community center, library, museum or art gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains (see Subsection 33.7(B)).
 11. **Convenience store/Gasoline Station:** One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
 12. **Day nursery, day care center, pre-school or pre-kindergarten:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per classroom and/or office, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle); also see stacking requirements in Subsection 33.4.D.
 13. **Defensive driving school/class:** One (1) space for each classroom seat (see Subsection 33.7(B)).
 14. **Fast-Food or Drive-In Restaurant:** One (1) parking space per one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one

(1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 33.3 K.).

15. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet.
16. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas.
17. **Golf driving range:** One and one-half (1.5) spaces for each driving tee.
18. **Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area
19. **Hospital:** One (1) space for each bed based on full occupancy.
20. **Hotel or Motel:** One (1) space per guest room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas, plus the following:
 - a. One and one-tenth (1.1) spaces for any guest room containing kitchenette facilities; and,
 - b. Two (2) spaces for any guest room provided with full kitchen facilities.
21. **Lodge, philanthropic or fraternal organization:** One (1) space per two hundred (200) square feet.
22. **Lumber yard/home improvement center:** One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse.
23. **Manufactured home or manufactured home park:** Two (2) spaces for each manufactured home unit, plus visitor/supplemental parking in accordance with Section 23, plus additional spaces as required herein for accessory uses.
24. **Medical or dental office:** One (1) space per one hundred and fifty (150) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
25. **Mini-warehouse:** Four (4) spaces per establishment, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.)
26. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 33.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
27. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).

28. **Non-depository financial establishment:** One (1) space per one hundred fifty (150) square feet of gross floor area.
29. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.
30. **Office (business or professional):** One (1) space for each three hundred (300) square feet of floor area.
31. **Outdoor display:** One (1) space for each six hundred (600) square feet of open sales/display area.
32. **Pawn Shop:** One (1) space for each two hundred (200) square feet of floor area.
33. **Places of public assembly not listed:** One (1) space for each three (3) seats provided (see Subsection 33.7(B)).
34. **Restaurant, cafe or similar food service establishment:** One (1) parking space for each one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 33.3 K.).
35. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 33.3 K.).
36. **Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses.
37. **Rooming or boarding house, or group quarters:** One (1) parking space for each sleeping room at full occupancy, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift.
38. **School, elementary:** One (1) parking space for each fifteen (15) students (design capacity), plus one (1) large parking space for each bus to be parked on-site for any length of time other than student pick-up/drop-off. Also see Section 33.4(D).
39. **School, secondary or middle:** One (1) parking space for each twelve (12) students (design capacity). Also see Section 33.4(D).
40. **School, high school, technical school, college or university:** One space for each three (3) students, faculty and staff (design capacity). Also see Section 33.4(D).
41. **Storage or warehousing, wholesale distribution and light manufacturing:** Under 100,000 square feet of gross floor area – one (1) space for each two thousand five hundred (2,500) square feet of total floor area not open to the public, plus one (1) space for each two hundred fifty (250) square feet of office space or areas open to the public such as sales areas. For 100,000 square feet or larger buildings in this category with little or no general public access parking may be calculated based on employment – 1.2 spaces for each employee plus five (5) spaces for visitors. The parking calculations shall be based on the number of employees for the largest shift employed at the facility (i.e. 100 employees would require 125 parking spaces including visitors).

42. **Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space.
43. **Terminal facilities, truck terminals, railroad yards, and other similar heavy commercial transportation uses:** One (1) space for each two hundred (200) square feet of office floor area plus one (1) space for each twenty-five hundred (2,500) square feet of warehouse space if present.
44. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 33.7.B)
45. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.

33.7 **RULES FOR COMPUTING NUMBER OF PARKING SPACES AND MISCELLANEOUS OFF-STREET PARKING REQUIREMENTS:**

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. **"Floor Area"** shall mean the gross floor area of the specific use.
- B. **"Seat"** shall be interpreted as follows:
 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals eighteen (18") inches of length; and
 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).
- C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be recommended by the Planning & Zoning Commission, and shall be approved by the City Council, in conjunction with the request for classification of the new or unlisted use, as provided in Section 32.1 (D).
- E. Whenever a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. If a building or use that was in existence prior to the effective date of this Ordinance is enlarged by more than fifty percent (50%) in floor area, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.
- F. For buildings which have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see Subsection G. below).
- G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall only be allowed if approved

on the applicable required plan (i.e., Building Permit Plan, Concept Plan, or Site Plan). To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement with the County, and shall provide a copy of the filed agreement to the City of Terrell prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

33.8 LOCATION OF PARKING SPACES:

All parking spaces required herein shall be located on the same lot of the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more existing buildings or establishments, the required additional spaces may be located not to exceed three hundred (300) feet from any nonresidential lot served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval on the applicable required plan (i.e., Building Permit Plan, Concept Plan, or Site Plan) is required according to the following criteria:
 - 1. Off-site parking may be permitted on an immediately contiguous lot or tract or on a lot or tract within two hundred feet (200') of such building or structure providing:
 - a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use; or
 - b. That a long-term remote parking lease agreement be provided upon approval by the City as a condition of such use.

33.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

- A. Off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

33.10 FIRE LANES:

- A. Fire/emergency vehicle access shall be provided in all single-family, townhouse, multi-family, nonresidential developments, and manufactured home developments as required by the adopted International Fire Code of the City of Terrell and constructed in accordance to the Technical Construction Standards and Specifications (TCSS).

SPECIAL REGULATIONS FOR RECREATIONAL/UTILITY VEHICLES (including RVs):

- A. For the purpose of these regulations, the term “recreational/utility vehicle” is defined as including boats, boat trailers, travel trailers, pickup campers and coaches (designed to be mounted upon automotive vehicles), motorized dwellings (RVs), tent trailers, utility trailers, livestock trailers, personal watercraft and the like, as well as cases or boxes used for storage or transporting such vehicles, whether occupied by such vehicles or not. No such vehicles shall be used for living, sleeping or housekeeping or similar purposes when parked or stored on a residential lot, or in any location not approved for such use, except as specified in this Ordinance.
- B. No special motor vehicle, heavy load vehicle or recreational vehicle shall be left unattended or parked for more than twenty-four (24) hours within any parking lot, parking space(s), drive aisle,

vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles).

- C. All recreational/utility vehicles shall be parked on a suitably paved surface per Section 33.2.C above.

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SECTION 34 LANDSCAPE REQUIREMENTS

34.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family residential and agricultural uses, adjacent to public streets. Single- and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

34.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new construction, alterations, or additions (i.e., exceeding sixty percent (60%) of the original floor area, unless exempt under Chapter 245.004 Local Government Code) occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered and enforced by the Municipal Development Department. The landscape standards in this Section apply only to nonresidential and multi-family developments (including uses such as schools and churches within a residential zoning district).

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the Municipal Development Department shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established or restored within the allotted time, then such person shall be in violation of this Ordinance.

34.3 PERMITS:

- A. No permits shall be issued for building, paving, or construction until a detailed landscape plan is submitted and approved by the Municipal Development Department, along with the applicable required plan (i.e., Building Permit Plan, Concept Plan, or Site Plan). A landscape plan shall be required as part of the applicable required plan, as outlined in Section 12. The landscape plan may be shown on the applicable required plan (provided the plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan. All final finish grading, mowing of existing natural areas, fence lines, drainage ways, and right-of-way, removal of all rocks, concrete and other debris from areas which will be mowed shall be considered landscaping for the purpose of issuing a certificate of occupancy.
- B. In any case in which a certificate of occupancy is sought at a season of the year in which the Municipal Development Department determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.
- C. Streetscaping or landscaping in right-of-way or common areas must have prior approval from the City and/or the Texas Department of Transportation (TxDOT) as to locations and plant selections.

34.4 LANDSCAPE PLAN:

Prior to the issuance of a building, paving, or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the Municipal Development Department. The Municipal Development Department shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
- B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features
- D. Species and common names of all plant materials to be used
- E. Size of all plant material to be used (container size, planted height, etc.)
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources
- H. Name and address of the person(s) responsible for the preparation of the landscape plan
- I. North arrow/symbol, and a small map showing where the property is located
- J. Date of the landscape plan

34.5 GENERAL STANDARDS:

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.
- B. Plant materials shall conform to the standards of current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown spread. Large trees shall be a minimum of three inches (3") in caliper (measured twelve inches (12") above the ground) and seven feet (7') in height at time of planting. Small ornamental trees shall be a minimum of one and one-half inch (1.5") in caliper and five feet (5') in height at time of planting.
- D. Select trees which are well suited to the area – soil type, space available for roots or mature crown size and height, disease and pest resistance, moisture levels, sturdiness, color, shape, flowers can all affect the suitability of a tree. The following species are **not** recommended because of their problems and nuisance factors: Arizona Ash, Fruitless Mulberry, Cottonwood, Silver Maple, Hackberry, Bradford Pear (Aristocrat, Red Spire, and Chanticleer are pear varieties which do not

exhibit poor growth habits), Mesquite, Eastern Red Cedar. For help in selecting the right tree for the right place the following link to the Texas Forest Service Tree Selection Guide will guide you in making the right choice: <http://texastreeplanting.tamu.edu/> or contact the Municipal Development Department for further information.

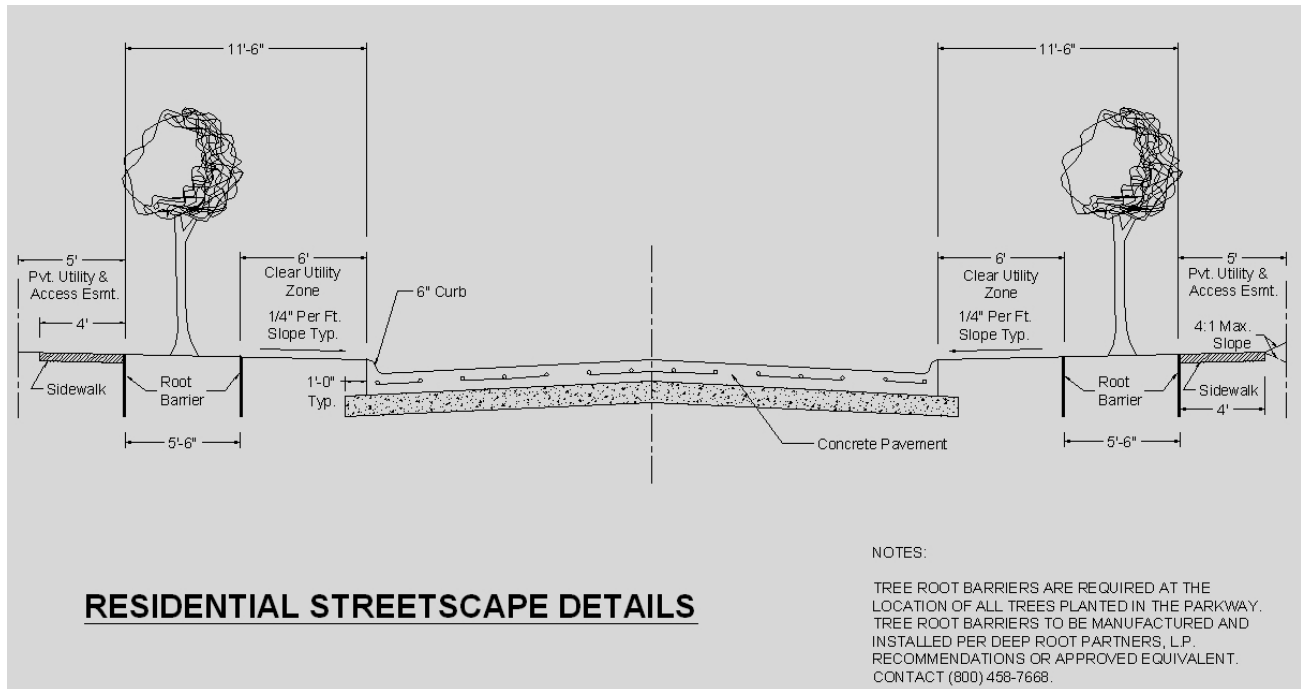
- E. Shrubs shall be a minimum size of a three (3) gallon container grown plant with a full natural shaped crown at the time of planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).
- F. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- G. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion. If grass seed is planted due to seasonal considerations that is of a temporary nature to prevent erosion (i.e. rye grass) then a permanent variety must be over seeded and established within six (6) months of the original seeding.
- H. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- I. All required landscaped areas shall be equipped with an automatic, underground irrigation system with freeze- and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than twenty (20) square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the Zoning Board of Adjustments may waive the requirement for an underground irrigation system (see Section 9.6.F). However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.
- J. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.

34.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NEW RESIDENTIAL SUBDIVISIONS OR DEVELOPMENTS:

- A. For all new residential subdivisions or developments of twenty-five (25) dwelling units or more the following landscape requirements must be met as a condition of approval of the construction and issuance of a certificate of occupancy for each residential structure.
 - 1. The street parkway shall be defined as the area between the back of curb or edge of pavement and the street right-of-way line.
 - 2. The front yard shall be defined as the area between the street right-of-way line and the front building line of the house.
 - 3. A minimum four (4') feet wide sidewalk shall be required to be located adjacent to the right-of-way (front property line) in a private utility/public access easement a minimum of ten (10') feet from the edge of pavement. (sidewalk may meander back and forth across the front property line provided that no portion of the sidewalk is located within seven (7') feet of the edge of pavement).
 - 4. A minimum of one (1) street tree shall be planted for every fifty (50') feet of street frontage in the parkway in accordance with Illustration 34-1 below.
 - 5. A minimum of two (2) large shade trees shall be planted at the time of construction in the front yard (care should be exercised in the placement of large shade trees so as not to

obscure the view of the front entryway of the house). Two small ornamental trees may be substituted for one large shade tree (see “Recommended Plant List” in this Section).

Illustration 34-1: Parkway Landscaping Details



34.7 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY DEVELOPMENTS:

- A. For all nonresidential and multi-family developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least ten percent (10%) of the street yard shall be a permanently landscaped area (see Illustration 34-1). The street yard shall be defined as the area between the building front and the front property line (which is not necessarily the edge of the pavement since the street right-of-way width allows for public utilities, traffic safety and drainage ways).
- B. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare is required. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. One (1) large shade tree shall be required per fifty (50) linear feet (or portion thereof) of street frontage. Trees may be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped buffer area may be included in the required street yard landscape area percentage.
- C. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces for parking lots having more than twenty (20) spaces. Within parking lots, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one tree. All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and

shall remain free of trash, litter, and car bumper overhangs. The area of parking lot landscaping islands shall be in addition to the required street yard landscape area percentage.

- D. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.
- E. Only shrubs, groundcovers or small ornamental trees shall be planted under existing or proposed overhead utility lines or over buried utilities.

34.8 **TREE PRESERVATION:**

- A. During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees.
- B. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.
- C. All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of five feet (5') by five feet (5').
- D. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

<u>Diameter of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
3" to 6"	1.0 tree
6" to 10"	1.5 trees
10" to 15"	2.0 trees
15" or more	3.0 trees

- E. Due to their limited height, size and value as quality shade trees, mesquite and hackberry trees will receive only fifty (50%) percent of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's recommended plant material list but approved by the Director, or his designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a two inch (2") minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half feet (4½') above natural grade. No living trees greater than eight (8") inches in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance. However, certain nuisance, hazardous, diseased, or noxious trees may be required to be removed in the preparation of the site for construction as determined by a site inspection by the Director or his designee and shall not require mitigation.

34.9 **MAINTENANCE:**

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass of six (6") inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the

maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials, which die, shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six (6") inches measured twenty-four (24") inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three (3") inches measured twenty-four (24") inches above the ground. A time extension may be granted by the Director, or his designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

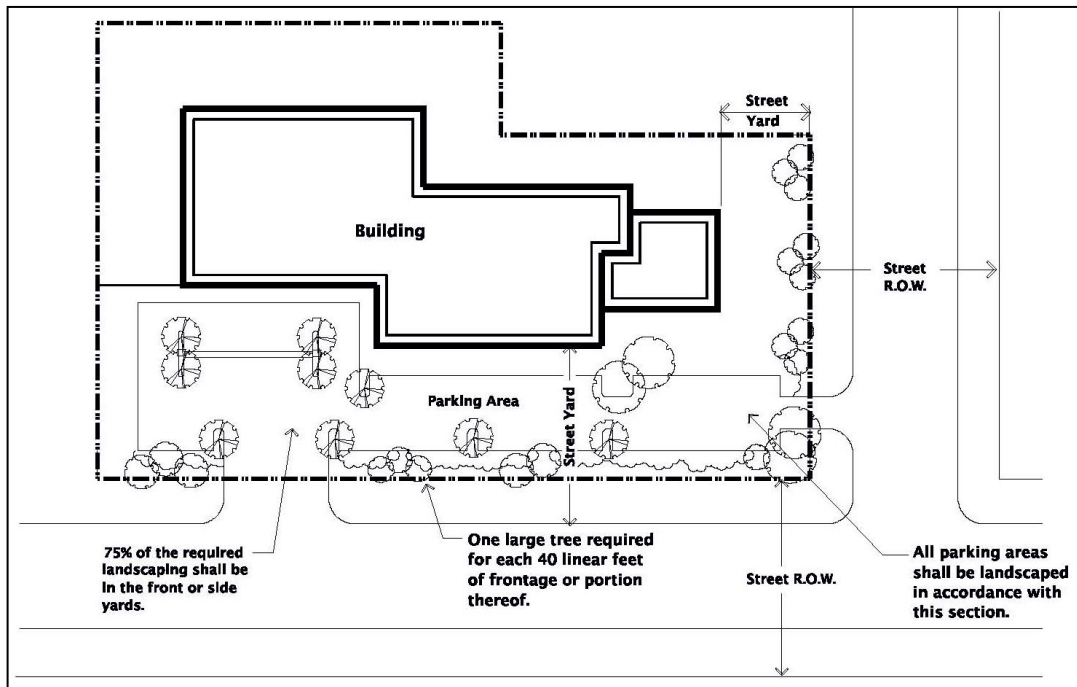
- B. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 7.

34.10 SIGHT DISTANCE AND VISIBILITY:

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Visibility clearance shall be provided such that no landscaping, fence, wall, architectural feature, screening, earth mounding (berms), signs, etc. shall obstruct the vision of a motor vehicle operator approaching any street, alley or driveway intersection as provided herein. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8'). A drive access serving large vehicles, such as delivery trucks, shall provide an unobstructed cross-visibility at a level between thirty inches (30") and nine feet (9'). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- A. The areas of property on both sides of the intersection of an alley access way and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty feet (20') in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.
- B. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides. For any intersection where the posted speed limit for cross traffic is forty-five miles per hour (45 mph) or more the sides of the visibility triangle shall be increased to forty-five feet (45') per side along the right-of-way.
- C. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any access way pavement.
- D. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Municipal Development Department, the required landscaping set forth herein may be reduced or relocated to the extent to remove the conflict.

Illustration 34-2: Landscape Requirements



RECOMMENDED PLANT LIST

Large Trees

(within parking areas or as street trees)

Green Ash (Fraxinus Pennsylvania)
White Ash (Fraxinus Americana)
Bald Cypress (Taxodium distichum)
Pond Cypress (Taxodium mucronatum)
American Elm (Ulmus americana) (Existing specimens are to be preserved since they are among Terrell's largest native shade trees, but not recommended for planting.)
Lacebark Elm (Ulmus parvifolia)
Cedar Elm (Ulmus crassifolia) (Avoid Winged Elm [*Ulmus alata*], which is similar but not adapted.)
Ginkgo (Ginkgo biloba)
Chinquapin Oak (Quercus muehlenbergii)
Live Oak (Quercus virginiana)
Shumard Oak (Quercus shumardii)
Water Oak (Quercus nigra)
Chinese Pistache (Pistacia chinensis)
Sweetgum (Liquidambar styraciflua)

Evergreen Shrubs

(acceptable for low [5' or less] screening)

Dwarf Abelia (Abelia grandiflora 'Edward Goucher')
Japanese Boxwood (Buxus microphylla var. japonica)
Elaeagnus pungens 'Fruitlandii'
Berries Jubilee Holly (Ilex cornuta 'Berries Jubilee')
Carissa Holly (Ilex cornuta 'Carissa')
Dazzler Holly (Ilex cornuta 'Dazzler')
Dwarf Burford Holly (Ilex cornuta 'Dwarf Burford')
Dwarf Chinese Holly (Ilex cornuta 'Rotunda')
Dwarf Yaupon Holly (Ilex vomitoria 'Nana')
Nandina (Nandina domestica)

Other Shrubs

Barberry (Berberis spp.)
American Beautyberry (Callicarpa americana)
Indian Hawthorn (Raphiolepis indica)
Wilson Holly (Ilex x altaclarensis 'Wilsonii')
Earth-Kind (TAMU) Roses
Savannah Holly (Ilex x 'Savannah')
Rose-of-Sharon (Hibiscus syriacus)
Autumn Sage (Salvia gregii)
St. Johnswort (Hypericum patulum 'Henryi')
Spiraea spp.
Chastetree (Vitex agnus-castus)
Juniper (Juniperus spp.)
Loropetalum

Large Trees

(non-vehicular areas)

Arizona Cypress (Cupressus glabra)
Southern Magnolia (Magnolia grandiflora)
Bur Oak (Quercus macrocarpa)
Pecan (Carya illinoensis)
Common Persimmon (Diospyros virginiana)
Western Soapberry (Sapindus Drummondii)

Evergreen Shrubs

(acceptable for 6' screening)

Glossy Abelia (Abelia grandiflora)
Cleyera (Ternstroemia gymnanthera)
Burford Holly (Ilex cornuta 'Burford')
Chinese Horned Holly (Ilex cornuta)
Mary Nell Holly (Ilex x 'Mary Nell')
Needlepoint Holly (Ilex cornuta 'Needlepoint')
Waxleaf Ligustrum (Ligustrum japonicum)

Ground Covers

Purpleleaf Honeysuckle (Lonicera japonica 'Purpurea')
English Ivy (Hedera helix) (shade only)
Asian Jasmine (Trachelospermum asiaticum)
Trailing Juniper (Juniperus spp.)
Harbour Dwarf Nandina (Nandina domestica 'Harbour Dwarf')
Mondograss (Ophiopogon spp.)
Vinca minor (Avoid V. major.)
Liriope muscari (Avoid L. spicata.)
Hardy Plumbago (Ceratostigma plumbaginoides)

Small Trees

Eve's Necklace (Sophora affinis)
Possumhaw Holly (Ilex decidua)
Yaupon Holly (Ilex vomitoria)
Crape Myrtle (Lagerstroemia indica)
Southern Wax Myrtle (Myrica cerifera)
Lacey Oak (Quercus glaucoides)
Vasey Oak (Quercus pungens var. vaseyi)
Aristocrat Pear (Pyrus calleryana 'Aristocrat') (Avoid Bradford Pear [P. c. 'Bradford']).)
Eldarica Pine (Pinus eldarica)
Mexican Plum (Prunus mexicana)
Golden Rain Tree (Koelreuteria paniculata)
Redbud (Cercis canadensis)
Shining Sumac (Rhus copallina)
Rusty Blackhaw Viburnum (Viburnum rufidulum)

Large Evergreen Shrubs/Small Trees

(screening over 6' tall)

Leyland Cypress (Cupressocyparis leylandii) (30-40')
Nellie R. Stevens Holly (Ilex cornuta 'Nellie R. Stevens') (10-15')
Cherry Laurel (Prunus caroliniana) (12-20')
Glossy Ligustrum (Ligustrum lucidum) (20-25')
Little Gem Magnolia (Magnolia grandiflora 'Little Gem') (to 20')
Chinese Photinia (Photinia serrulata) (12-20') (Avoid Red-Tip Photinia [P. x fraseri])

Notes:

1. Plants in *italics* are preferred due to their lower water demand, as designated in "Landscape Water Conservation ... Xeriscape", published on the web at: <http://aggie-horticulture.tamu.edu/extension/xeriscape/xeriscape.html>.
2. Additional plant materials may be approved on the landscape plan for landscaped areas, as may be appropriate for the use and effect intended.
3. Additional information about selecting the best varieties of plants for your region can be obtained from the Urban Landscape Guide: <http://floriculture.tamu.edu:7998/urbanlandscapeguide/zipcode.html>

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SECTION 35 ACCESSORY STRUCTURE AND USE REGULATIONS

- 35.1 In a single-family or multi-family district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory structures shall be located toward the rear portion of the property, and shall conform to applicable provisions of the Building Code. (Also see Section 37 for exterior construction standards.)
- 35.2 In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located toward the rear portion of the property. Accessory buildings shall conform to applicable provisions of the Building Code. (Also see Section 37 for exterior construction standards.)
- 35.3 Accessory dwelling units in the AG, EE-32 and SF-16 zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:
- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
 - B. The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed of masonry materials that are similar in appearance to the main structure if over two hundred forty (240) square feet in size.
 - C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - D. Setback requirements shall be the same as for the main structure.
 - E. Accessory dwellings are not permitted without the main or primary structure.
- 35.4 Accessory dwellings shall conform to the height limitations of the zoning district in which it is located. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.
- 35.5 **AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**
- A. **Size of Yards:**
 - 1. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.
 - 2. **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from an interior side yard shall have a minimum setback of twenty-five feet (25')

from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.

3. **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line, except that; a) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; b) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or c) accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').
 4. Setbacks for carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley (see Illustration 38-2), and shall not project beyond the front façade of the house and shall be constructed of materials like the main building(s) on the premises if located in the side yard and is visible from the street. In single-family and two-family zoning districts, carports shall be a maximum size of twenty-four feet (24') deep and twenty-four feet (24') wide. In multi-family and nonresidential zoning districts, carports shall be a maximum size of twelve (12) bays in width and twenty-four feet (24') deep.
- B. Accessory buildings are not permitted without a main structure.
- C. Barns, stables, or other accessory structures designed to house animals shall be located in accordance with the regulations as set forth in the Animal Control Ordinance, Chapter 3 of the Terrell Code of Ordinances as adopted or amended.
- D. Accessory buildings shall not exceed the height allowed for such buildings in the specific zoning district wherein it is located. Garage/accessory dwelling units up to two (2) stories are allowed in certain districts (see Section 32.2) by SUP if there is no adverse impact upon adjacent properties. Accessory dwellings located in single-family districts shall only be occupied by persons related to the occupants of the main dwelling and shall not be rented, leased or sold separately from the main structure.
- E. Exterior Construction Standards for Accessory Buildings: See Section 37 of this Ordinance.

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SECTION 36 FENCING, WALLS AND SCREENING REQUIREMENTS

36.1 PURPOSE:

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

36.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED HOME PARKS:

- A. In the event that any new multi-family, non-residential uses, or manufactured home parks side or back upon a single-family, two-family or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family district, an engineered solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
 - 1. The owner of the multi-family or manufactured home property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district.
 - 2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
 - 3. Any screening wall or fence required under the provisions of this Section or under a Specific Use Permit, Planned Development district, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
 - 4. Alternative equivalent screening may be approved through the process of approving the required applicable plan (refer to Section 12).
- A. In nonresidential, multi-family and manufactured home districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line). In this case, the screening fence/wall shall be extended out to the street right-of-way line by the developer of the nonresidential, multi-family or manufactured home development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the main buildings (except for a manufactured home park). Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential, multi-family or manufactured home development (see Section 34.7 for sight visibility requirements).
- B. See Section 34.7 for sight visibility requirements for fences and screening walls.
- C. Open storage of materials, commodities or equipment (see Section 32.2, Use Charts, for zoning districts permitting outside storage) shall be screened with a minimum six-foot (6') fence or wall,

and shall not be visible from the street or from adjacent property. (See definition of outside storage in Section 44.)

- D. In districts permitting open storage, screening shall be required for those areas used for open storage. No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Permit. A six-foot (6') screening fence or wall shall be provided and maintained at or near the property line adjacent to the area to be screened by one or a combination of the following methods:
 - 1. Solid masonry (brick, concrete block or concrete panels)
 - 2. Wrought iron with solid landscape screening
- F. Refuse storage areas (including all dumpsters) which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, single-family attached, multi-family and manufactured home park uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides (see Illustrations 36-1 and 36-2 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, shall provide a gate to secure the refuse storage area and contain loose trash. Dumpsters located within a fenced area behind the front building line may be screened using wooden fencing, chain link with screening cloth or slats or with landscaping. Alternate equivalent screening methods may be approved through the required applicable plan approval process, Section 12. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 36-1.
- G. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the Municipal Development Department for review and approval prior to construction of said screening/fencing.

36.3 FENCES IN RESIDENTIAL AREAS:

- A. All new single-family residential construction including townhouse developments shall be required to erect an approved fence encompassing the entire rear yard as a condition of approval of the final inspection and issuance of the Certificate of Occupancy.
Exceptions: No fences shall be erected within certain easements, such as, access, drainage or maintenance easements as specified in the Subdivision Regulations, as adopted or amended.
- B. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
- C. Except as provided by (1.) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.
 - 1. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding four feet (4') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.
 - 2. Decorative ornamental iron fencing may be constructed up to six feet (6') in height within the front yard only in the AG zoning district, and only on lots exceeding one (1) acre in size in

other districts. Such fences shall have openings not less than fifty percent (50%) of the fence area, and shall not interfere with traffic visibility (see Section 34.7).

- D. It shall be unlawful for any owner or person in control of such premises, or his agent or contractor to construct a new fence, extend an existing fence line on any lot without having first obtained a fence permit from the Municipal Development Department. The repair or replacement of fence material already in existence shall be deemed normal routine maintenance and does not require a permit.
- E. Gates designed for vehicular access and all garage doors shall be set back from the property line a minimum of twenty-five feet (25').
- F. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City of Terrell's codes/ordinances pertaining to same.
- G. See Section 34.7 for sight visibility requirements for fences and screening walls.
- H. Special purpose fencing, such as fencing around tennis courts, is allowed only upon issuance of a permit from the City. The maximum height of such fencing shall be twelve (12) feet.

36.4 **PROHIBITED FENCES AND MATERIALS:**

- A. No fence or any part of such fence shall be constructed upon or caused to protrude over any adjacent properties. If any fence is constructed on an adjacent property, the owner or person in control of such premises will be notified by mail to remove the fence. After ten (10) days of the receipt of the notification, if the fence is not removed the owner or person in control of such premises, will be deemed in violation of this ordinance.
- B. No fence or any part of such fence shall alter the natural drainage or planned drainage on any lot.
- C. All fences must be maintained in a plane so as not to overhang on a separate lot.
- D. No fence shall be located within any easement or alleys except by prior written approval of those agencies having interest in such easement.
- E. No fence shall be electrically charged.
- F. Materials prohibited are products such as wood, metal or plastic that is not specifically designed as fencing material. These products include aluminum, barbed wire, chain, chicken/hog wire, corrugated metal, electric fence, fiberglass panels, metal panels, netting, paneling, paper, plywood, razor ribbon wire, rope, string, temporary barrier fencing, used or second-hand material, welded wire fabrics, wire fabrics and any material that could be deemed a public safety hazard.
- G. Exceptions: Barbed wire is permitted for fencing when:
 - 1. Used for farm or ranching purposes on undeveloped land over three (3) acres in size.
 - 2. In rear and side yards in industrial zoned districts when the following conditions are met:
 - a. All strands of barbed wire must be a minimum of six feet (6') above ground level.
 - b. All barbed wire fences must be located a minimum of three hundred feet (300') from any residential zoned districts.

Illustration 36-1: Refuse Containers – Access & Enclosure

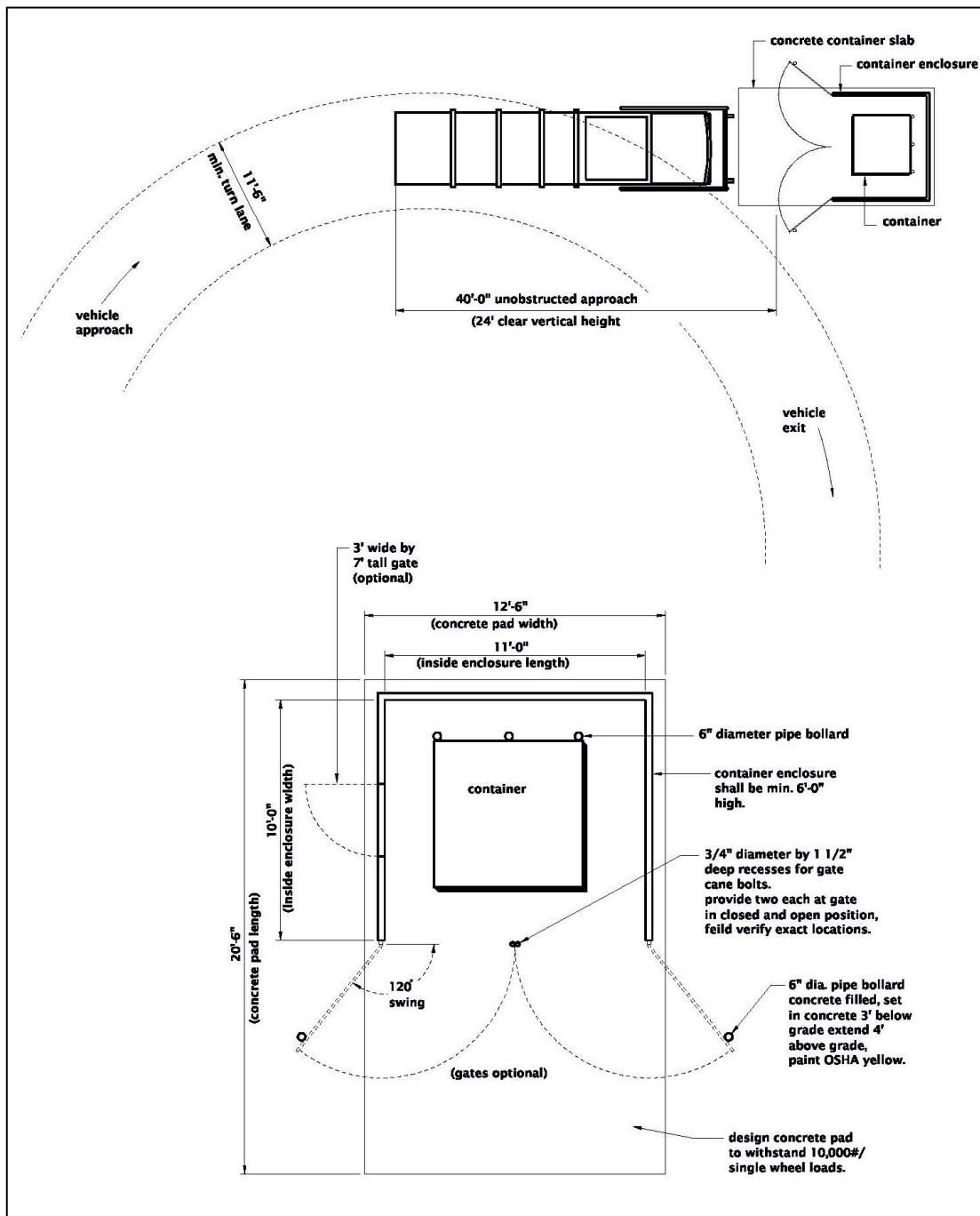
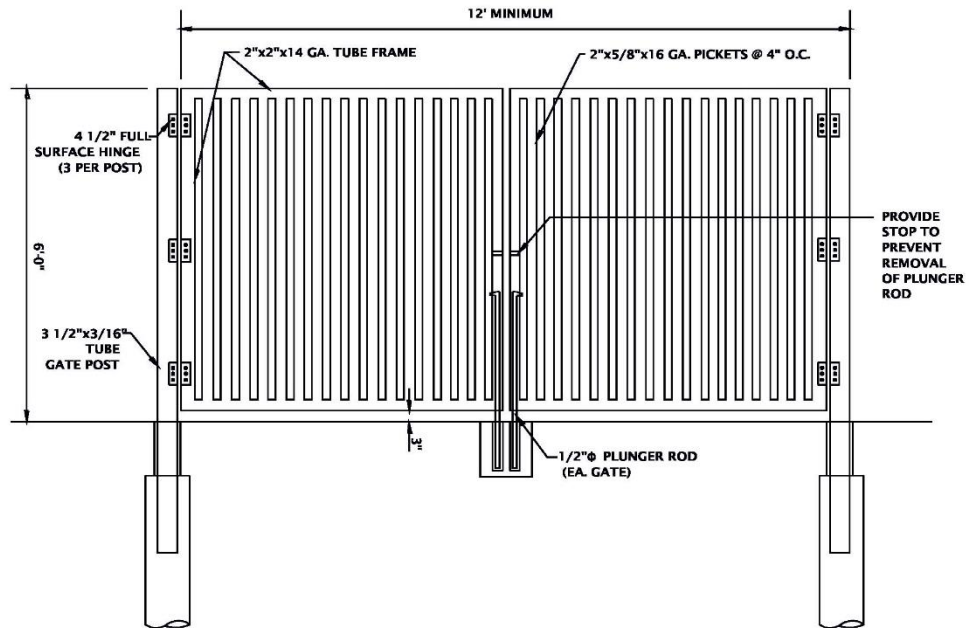


Illustration 36-2: Typical Refuse Container Screening Gate



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SECTION 37 EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

37.1 PURPOSE:

The City Council of the City of Terrell finds that it is necessary to regulate the exterior finish and appearance of buildings that are erected within the City in order to insure the consistency in quality, compatibility, and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and manmade forces over time and a safe environment for those occupants, equipment, and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood or surroundings.

37.2 DEFINITIONS:

A. For the purpose of this Section, the following definitions shall apply:

Masonry Construction – This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:

Hard fired brick – shall be kiln fired clay or slate material and can include concrete brick if it is to the same American Society for Testing and Materials (ASTM) standard for construction as typical hard fired clay brick. The material shall be Severe Weather grade. Unfired or under-fired clay, sand or shale brick are not allowed.

Stone – includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior construction material. Cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance.

Decorative concrete block – shall be highly textured finish such as split-faced, indented, hammered, fluted, ribbed, or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted on.

Concrete pre-cast or tilt wall panel – shall be of an architectural finish that is equal to or exceeds the appearance and texture of face brick or stone. Coloration shall be integral to the masonry material and shall not be painted on.

Stucco – an exterior plaster made from a mixture of cement, sand, lime and water spread over metal screening or chicken wire or lath.

Exterior Insulated Finish System – a synthetic stucco cladding system that typically consists of these main components:

Panels of expanded polystyrene foam insulation installed with adhesive or mechanically fastened to the substrate, usually plywood or oriented strand board;

A base coat over the foam insulation panels,

A glass fiber reinforcing mesh laid over the polystyrene insulation panels and fully imbedded in the base coat; and a finishing coat over the base coat and the reinforcing mesh.

Fiber Cement Siding – Also known as “Hardiplank” a building material used to cover the exterior of a building in both commercial and residential cosmetic application. The Product is resistant to termites, does not rot, and has fireproof properties.

Exterior Wall Surface – All areas of a structure’s wall sections located above the finish floor elevation of the foundation, exclusive of doors and windows.

37.3 MINIMUM EXTERIOR CONSTRUCTION STANDARDS

- A. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within any zoning district in the City of Terrell as follows:

Single-Family and Two-Family Residential - The first floor exterior wall surface of all new single-family and two-family dwellings shall be of 100% masonry construction. On infill development the minimum exterior facade requirement shall be determined by a survey of the homes on the same street and block and the homes on the street immediately behind the subject property by the Building Official - the type and percentage of exterior facade materials found on 60% of the homes in good repair and upkeep surveyed shall determine the requirement. Exceptions shall be required to apply to the Zoning Board of Adjustments for a variance.

A minimum of 75% of the exterior wall surfaces above the first floor shall be of masonry construction. Architectural trim features such as dormers or gables shall not be counted as exterior wall surface when calculating the masonry requirement above the first floor and may be located on any wall surface.

Executive Estate-32 (EE-32) single-family residential district shall utilize a combination of two or more approved masonry products on the front façade.

- B. Multiple-Family Dwellings - All exterior wall surfaces of all new multiple-family dwellings shall be of 100% masonry construction. Covered breezeways and areas of exterior walls located directly beneath covered porches, patios and balconies that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.
- C. Non-Residential Structures - All exterior wall surfaces of all new non-residential structures shall be of 100% masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement\

D. Materials for Single Family and Two-Family Residential -

1. Stucco, EIFS, must be at least 60 inches above the ground; can only consume 30% of any exterior wall surface; and must be neutral or earth tone in its color.
2. Hardiplank must be at least 60 inches above the ground and can consume up to 30% of any exterior wall surface.
3. Stucco, EIFS, Hardiplank may only account for no more than 40% of the total exterior wall service.
4. The percentages of 1,2,3, can be increased by 20% as long as each exterior wall contains a combination of at least 50% brick and stone.
5. The Municipal Development Director may approve an alternative design for structures with enhanced architectural features which may be utilized such as but not limited to a combination of two or more:

wood shingles, a special designed approved metal product; cedar; Masonite, etc. as long as each exterior wall surface is comprised of 50% brick and stone.

E. Materials For Multiple Family Dwelling and Non-residential –

1. Apartment complexes follow the same rules as 1-5 for single family above unless they are part of a mixed-use project of a Planned Development.

2. Retail/Commercial – Must follow the same rules as 1-5 for single family above.

F. Mixed Use Developments and Planned Developments may contain a waiver from the exterior masonry standards as long as each exterior wall surface contains at least 20% of brick and stone; and are thematically and/or are strategically designed.

G. Applicability - The Minimum Exterior Construction Standards established in this Section shall not apply to the following class or kind of buildings except as noted:

1. Public or governmental facilities;
2. Public or private schools;
3. Facilities located within industrial parks that were developed or are managed by the Terrell Economic Development Corporation. The Terrell Economic Development Corporation receives funds from 4A sales tax revenues governed by the City Council of the City of Terrell. These industrial parks shall abide by deed restrictions governing exterior construction standards as agreed to by the Terrell City Council.
4. Detached accessory buildings having not more than two hundred forty (240) square feet of floor area when located on the same lot as a single-family or two family dwelling or non-residential main building and located behind the front building line and not readily visible from the street (behind the rear yard fence) except any exterior façade of an accessory structure exceeding two hundred forty (240) square feet in size visible from a public street shall be required to match the exterior façade of the main structure. Detached garages, carports, or accessory buildings regardless of size when located in the side or front yard shall be constructed of materials matching the main structure. Accessory Dwelling Units as defined by the Zoning Ordinance are not considered detached accessory buildings in the application of this Subsection.
5. Temporary construction and material storage buildings utilized during construction of permanent improvements on a parcel of land, within subdivision or other similar circumstance such as a public works project. The temporary structure temporary structure shall be completely removed upon the expiration of its building permit or upon completion of the permanent improvement, whichever occurs first.
6. Barns and farm accessory buildings if such buildings are used solely for agricultural purposes.
7. Historic Landmarks designated by the City Council.
8. Remodeling, renovating or expansion of existing single-family or two-family dwellings when matching materials (or materials that simulate the appearance of the existing exterior) are utilized.

37.4 ALTERNATIVE EXTERIOR MATERIALS

- A. The Building Official may, approve an alternative exterior construction material(s) only upon a determination that the proposed materials are:
1. Sufficiently durable, and fire and weather resistant to achieve the stated purpose of these requirements; and
 2. The proposed building materials and arrangement of the materials provide consistency of appearance with existing structures on the property or within the neighborhood in which it is located, or
 3. The proposed building material(s) create an appearance that associates a time, a place, an event, or an activity with the development in a thematic manner.
- B. All Alternative material requests shall also include two (2) of the following project upgrades:
- Gabled entry cover
 - Decorative woodwork
 - Architectural metals – flex-bar, metal awnings, metal cladding with steel, copper or aluminum
 - Shutters or decorative trim around windows
 - Increased landscaping (larger caliper trees, planting beds, perennial Texas native plantings)
 - Decorative columns
 - Art installation (mural, sculpture)
 - Decorative rock elements
- C. All requests to utilize an alternative exterior construction material(s) shall be in writing and shall address the durability of the proposed material(s) as described in Subsection 37.4(i) above, along with an explanation of its use as it relates to Subsection 37.4(ii) or (iii) above.
- D. All such requests shall be accompanied by a site plan and a façade plan in the case of an individual structure or group of structures developed as a single non-residential project. In the case of a residential development involving the utilization of an alternative exterior construction material(s) on a neighborhood wide basis, a concept plan or approved plat and typical façade treatments shall accompany the request. The City may require the submission of an actual sample(s) of the proposed alternative exterior construction material(s).
- E. All requests to utilize an alternative exterior construction material(s) shall be submitted to the Building Official. The Building Official shall consider the request within ten (10) days of submittal. The approval of an alternative exterior construction material(s) shall be on a case by case basis and at the discretion of the Building Official may forward the request to the Zoning Board of Adjustments for a determination.

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SECTION 38 SUPPLEMENTAL REGULATIONS

- 38.1 A. **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 38-1 thru 38-8.
- B. **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)
- C. **Building Setbacks** – All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this Ordinance. Setbacks established on a recorded plat shall only be changed through replat proceedings (see Subdivision Ordinance).

38.2 FRONT YARD:

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard.
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard shall not be enclosed.
- D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet (5') on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.
- E. See Section 42.1 for special front yard regulations and setbacks for gasoline service station pump islands and canopies.
- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

ILLUSTRATION 38.1

RESIDENTIAL

SETBACK DETAILS

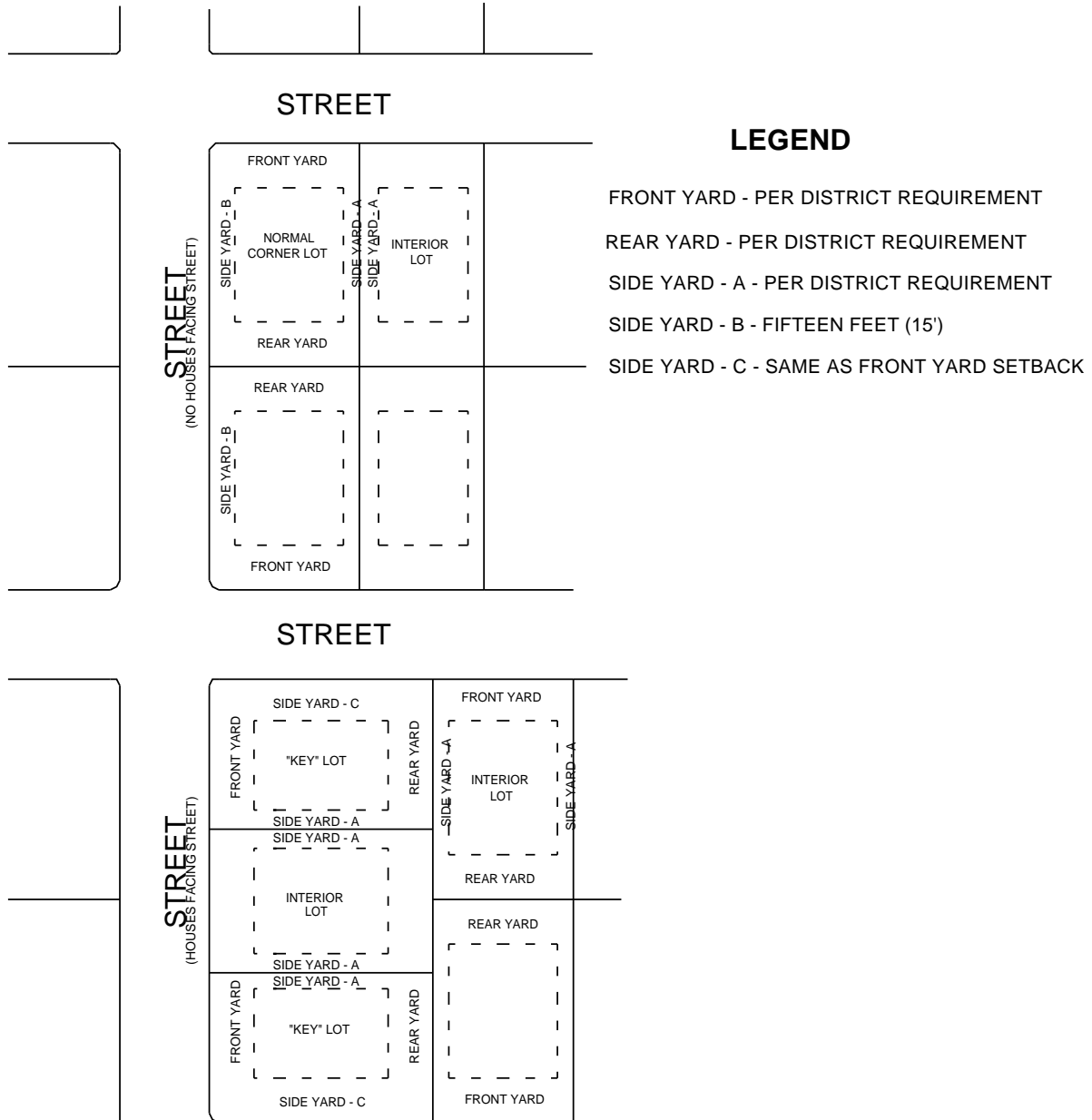


ILLUSTRATION 38.2

RESIDENTIAL

SETBACK DETAILS

Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.

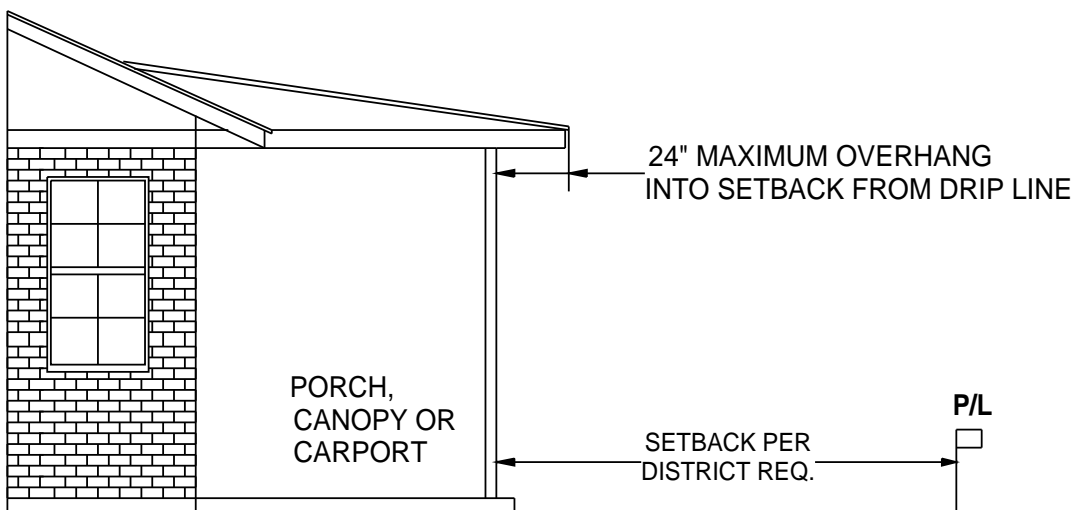
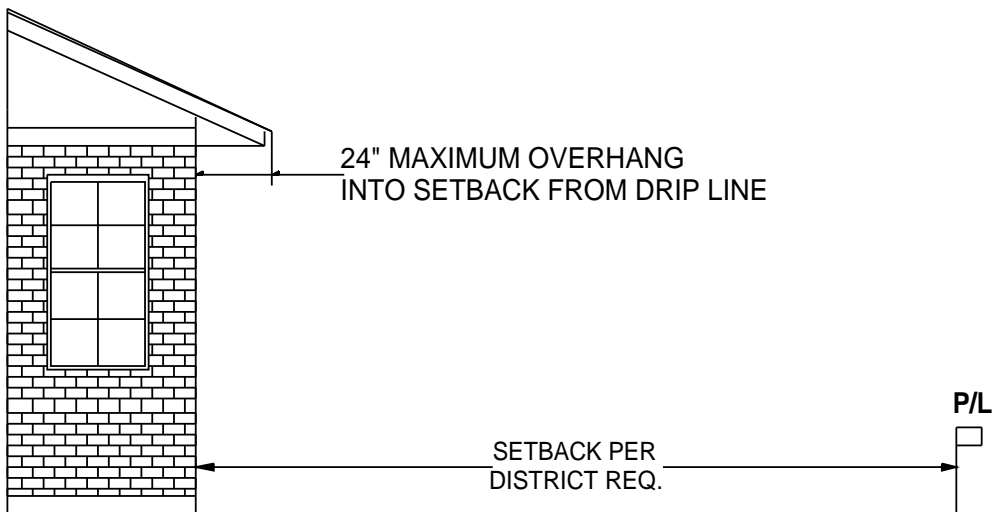


Illustration 38-3: Flag Lot
(i.e. Front Lot Line Not Adjacent to the Front Street Line)

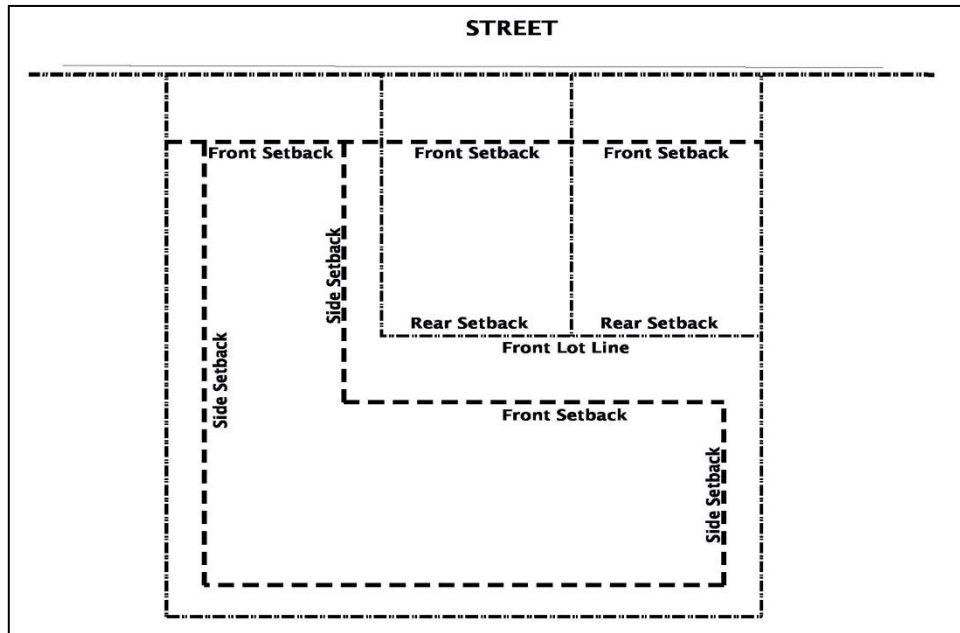


Illustration 38-4: Front Yard Where Zoning Changes in a Block

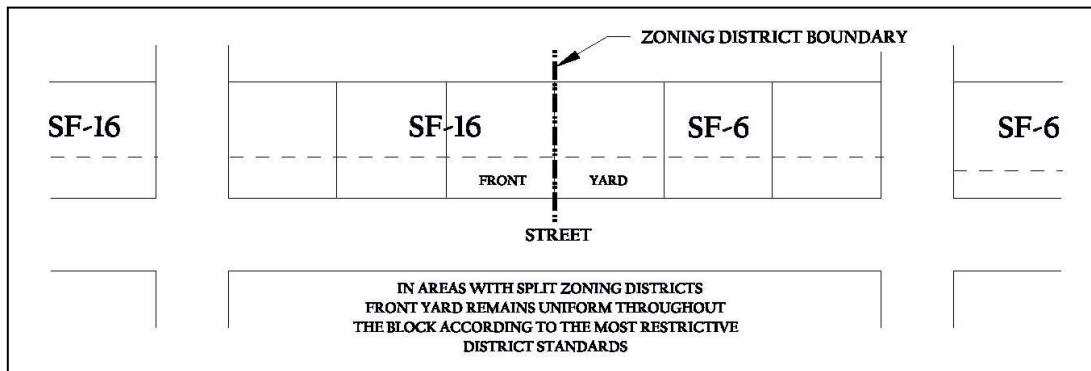


Illustration 38-5: Floor Area Ratio

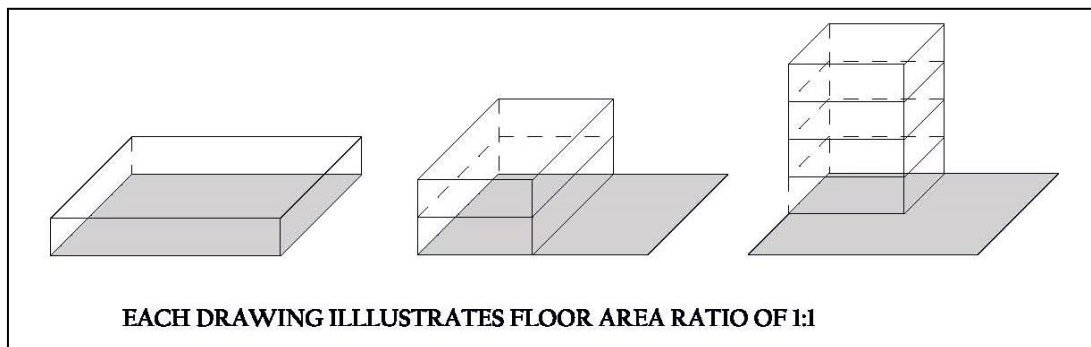


Illustration 38-6: Lot Width

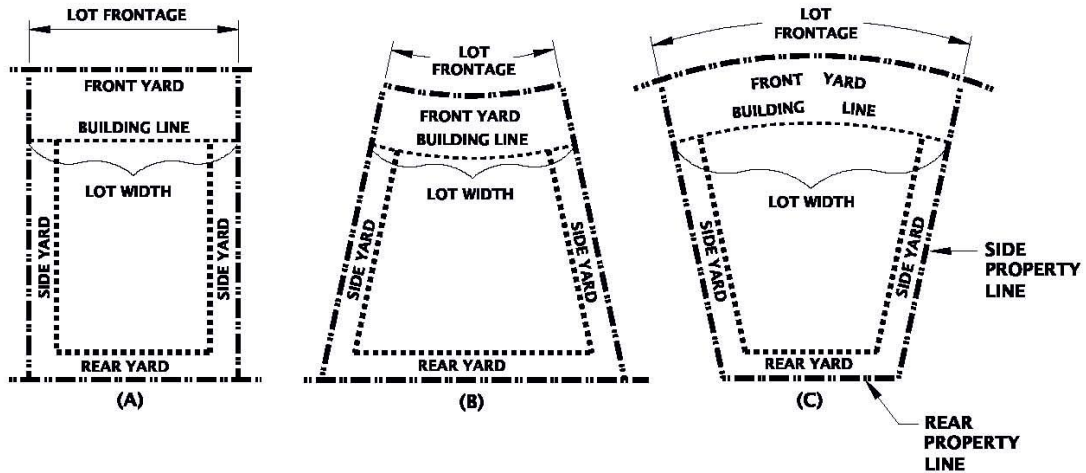


Illustration 38-7: Lot Area & Depth

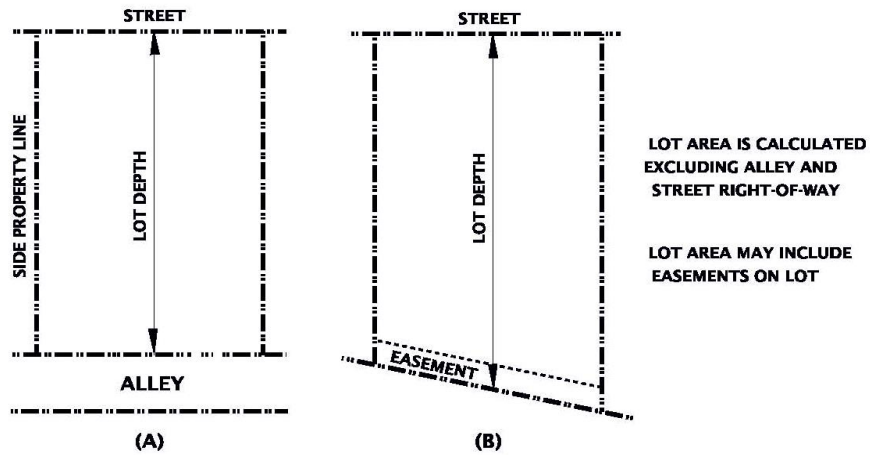
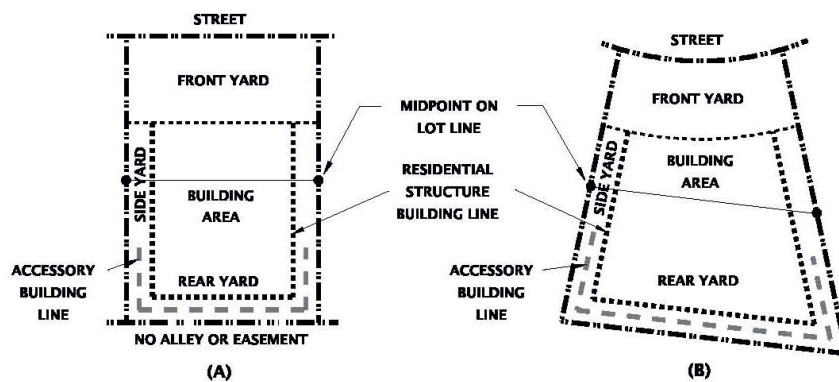


Illustration 38-8: Lot Width



38.3 SIDE AND REAR YARDS:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Municipal Development Department, with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the property line. The minimum separation between buildings shall be maintained, per the City's Building Code.

38.4 SPECIAL HEIGHT REGULATIONS:

- A. In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer's penthouse not exceeding fifty square feet in size) utility or industrial structures, and City or School District buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two (2) additional feet shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

38.5 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:

A. APPLICABILITY:

- 1. These regulations apply to all commercial and amateur antennae and support structures, unless exempted in Subsection 2 below.
- 2. Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:
 - a. In any zoning district, antennae that are thirty-six (36") inches or less in diameter;
 - b. In a non-residential zoning district, antennae that are six (6') feet or less in diameter;
 - c. In any zoning district, antennae designed to only receive television broadcasts;
 - d. In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
 - e. In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.

3. Support structures or antennae legally installed before the effective date of this Ordinance are not required to comply with this Ordinance, but must meet all applicable State, Federal and local requirements, building codes and safety standards.

B. SPECIAL DEFINITIONS - For the purpose of this Section, the following special definitions shall apply:

1. **Antenna, Microwave Reflector & Antenna Support Structure** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.
2. **Antenna (Non-Commercial/Amateur)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna.
3. **Antenna (Commercial)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.
4. **Collocation** - The use of a single support structure and/or site by more than one communications provider.
5. **Communications Operations (Non-Commercial/Amateur)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.
6. **Communications Operations (Commercial)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
7. **Height** - The distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.
8. **Radio, Television or Microwave Tower** - See "Antenna, Microwave Reflector & Antenna Support Structure".
9. **Telecommunications Tower or Structure** - See "Antenna, Microwave Reflector & Antenna Support Structure".

10. **Temporary/Mobile Antenna** - An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only (i.e., not intended to be permanent), usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.
11. **Wind Turbines (Electrical Generation)** – Wind turbines for electrical generation are prohibited in any residential district within the corporate city limits of Terrell and allowed only in the Light Industrial (LI) District by Specific Use Permit (SUP).
12. **Wireless Communication Tower or Structure** - See “Antenna, Microwave Reflector & Antenna Support Structure”.

C. GENERAL REQUIREMENTS:

1. Antennae and support structures may be considered either principal or accessory uses.
2. Antenna installations shall comply with all other requirements of the Zoning Ordinance and the Code of Ordinances with the exception of those specifically cited within these regulations.
3. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to one and one-half the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.
4. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
5. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), Texas Historical Commission (THC) review and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.
6. A building permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see Section 38.5A. above). All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners/users shall have thirty (30) calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.
7. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Terrell's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.

8. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
9. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.
10. Temporary antennae shall only be allowed in the following instances:
 - a. In conjunction with a festival, carnival, rodeo or other special event/activity;
 - b. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
 - c. When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.
11. Collocation is greatly encouraged by the City.
 - a. All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
 - b. A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by SUP, then its new location shall be within the physical/land boundaries of the SUP). The original (i.e., former) support structure shall be removed from the property within ninety (90) calendar days following completion of the new structure.
 - c. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.
12. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop, and such screening device shall be architecturally compatible with the design and materials of the building. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures.
13. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39") in diameter and antennae do not extend over ten feet (10') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the Municipal Development Department prior to any approval of a roof-mounted antenna.

Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

14. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than thirty-six (36") inches in diameter (only one allowed if over three (3') feet in diameter). Maximum height of an amateur antenna shall not exceed fifty (50') feet in height measured from the ground and must be located a distance from any property line equal to the height of the antennae.
15. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.
16. Any publicly owned antennae or antenna support structures shall be permitted in any zoning district (e.g., public safety communications, etc.) however, setbacks and other applicable standards shall apply.
17. In all residential zoning districts (including AG, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12, MF and MH), commercial antennae and antenna support structures are prohibited, except as specified within this Section.
 - a. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure (see Subsection 38.5C.3. above).
 - b. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Subsection 38.5C.3. above). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and it is not readily visible or identifiable as an antenna from public roadways or from neighboring residential properties.
18. In nonresidential zoning districts (including O, NS, R, CBD, HC, C, and LI), commercial antennae and antenna support structures are allowed as follows:
 - a. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.
 - b. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure (see Subsection 38.5C.3. above).

- c. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Subsection 38.5C.3. above). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.

38.6 MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

38.7 OPEN STORAGE AREAS:

Open long-term storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display (see definition of outside display in Section 44; see screening requirements in Section 36.

38.8 NONRESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS:

- A. Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts (AG, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12, MF and MH) shall be designed and constructed such that they conform to the development standards set forth in the Neighborhood Services (NS) District zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Ordinance or in an ordinance establishing a PD.

38.9 ACCESS STANDARDS FOR NONRESIDENTIAL AND MULTI-FAMILY LOTS:

- A. All nonresidential lots (including pad sites) shall share driveway curb openings via mutual access easements from one lot to adjacent lots (for fire and emergency access, as well as for public convenience).
- B. All nonresidential and multi-family lots (including pad sites) shall have either direct or indirect (via mutual access/fire lane easements on adjacent property) access to a median opening if located on a median-divided roadway (existing or planned in the future). Driveways for all nonresidential and multi-family lots (including pad sites) shall align, to the greatest extent possible, with any existing or proposed driveways on the other side of any type of roadway.

38.10 TEMPORARY USE PERMIT:

The following temporary uses may be allowed under the conditions and for the time specified upon permit application review by the Director or his designee and payment of the required fee. Applications must be submitted ten (10) business days prior to the proposed start date of the Temporary Use.

A. Temporary Use Defined

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses are identified in Section 32.2 Chart 3: Accessory and Temporary

Uses and in Section 44 - Definitions. In addition, the following uses and activities shall be considered temporary uses (NOTE: Special events such as parades, block parties, carnivals, circus, processions, events involving use of a public right-of-way, street or publicly owned property, or private parties with 50 or more attendees in which alcohol is to be consumed shall be permitted through the Police Department with a Special Events Permit.):

1. **Fundraising Activities by Not-for-Profit Agencies.** Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 24 hours. An alternate method for permitting fundraising or other non-profit temporary activities is to submit an annual schedule of proposed events to be held on noncontiguous days (such as certain weekends or Holidays, etc.) for a total not to exceed fifteen (15) days in any one calendar year.
2. **Sales Events.** Significant temporary indoor commercial activities lasting not longer than three (3) days (a maximum of two (2) extensions may be granted for up to two (2) days each) intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, trade shows, flea markets, or product demonstrations, art work or other goods sold on the same premises as the primary business or sponsor's property. (This does not include peddlers and solicitors which are regulated under separate Ordinances (see Chapter 5, City Code of Ordinances).
3. **Garage, Estate, Rummage, Yard Sales.** Occasional sales of tangible personal property at retail in residential zoning districts or property, not to exceed two (2) in number during any calendar year, by the property owner or lessee residing at the address at which the sale is occurring or is an agent of the property owner (estate sales). No new merchandise (i.e. merchandise acquired solely for the purpose of resale) shall be sold nor shall any retail business be operated or conducted on the premises at such occasional sales. Maximum duration of any such occasional sale shall not exceed three (3) consecutive days and shall run only from Friday through Sunday. Exception: estate sales may be conducted for up to five (5) consecutive days only if the property owner's agent or relative submits a written request prior to the sale to the Director stating the proposed dates of the sale. One (1) on premise sign and up to three (3) off-premise signs, not exceeding two square feet in size, shall be allowed per sale and shall be placed on private property only with the property owner's permission. No signs shall be allowed on public right-of-way, utility poles or trees and shall not be placed prior to 8 a.m. on Friday and shall be removed prior to 8 a.m. on Monday.
4. **Seasonal Sales Events.** Produce, sales of food, farmer's markets, pumpkins, Christmas tree lot sales, etc. for sale during short seasonal or holiday periods lasting not longer than six (6) weeks (a maximum of two (2) extensions may be granted for up to one (1) week each) but in no case shall the sale period exceed sixty (60) days. (This does not include peddlers and solicitors which are regulated under separate Ordinances (see Chapter 5, City Code of Ordinances).
5. **Special Events.** (*Special events are permitted through the Police Department*) Short-term cultural and entertainment events including parades, block parties, private parties with fifty (50) or more attendees in which alcohol is consumed, intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals. **Special Event** means a temporary event or gathering, other than those events defined in the Special Events Ordinance as a parade or a neighborhood block party, using either private or public property, including a circus, carnival, fair, or other event, and/or performance of music or celebration of event on a political, religious or social issue which involves one or more of the following activities, except when the activity is for construction or house moving purposes only:
 - a. closing a public street;
 - b. blocking or restriction of public property, limiting the use of parks by the general public,

and streets;

- c. offer of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance;
 - d. erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
 - e. installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance;
 - f. placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance;
 - g. placement of temporary no parking signs in a public right-of-way; or
 - h. a fee or donation is charged for attendance or participation.
6. **Temporary Construction Projects.** Temporary concrete or paving batch plants, construction yards, temporary construction offices, temporary outside storage of equipment or materials are allowed for the duration of a project, however, the site must be kept free of trash and debris and in an orderly appearance. The area must be secured by a fence from unauthorized entry and the site restored to its original condition after the project ends and all construction materials removed.

B. Application

An application for a Temporary Use Permit shall be submitted to the Director or his designee at least five (5) working days before the requested start date for a temporary use and shall include the following:

1. A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event
2. A written description of how the temporary use complies with the review criteria in D, below.
3. A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
4. A letter from the property owner agreeing to the temporary use.
5. Any additional information required by the Director.
6. It is strongly recommended that the applicant not commit to contracts, rental agreements or funds prior to approval of the Temporary Use Permit.

C. Review and Action by the Director

The Director shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of application. Any applicant denied a permit by the Director shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Zoning Board of Adjustment.

D. Review Criteria

Temporary uses shall comply with the following requirements:

1. **Land Use Compatibility.** The temporary use must be compatible with the purpose and intent of this ordinance. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.

2. **Compliance with Other Regulations.** The temporary use shall conform in all respects to all other applicable City regulations and standards including additional fees or permits required by the Police Department or City Secretary's office.
3. **Restoration of Site.** Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use. In the event the site was used as a temporary concrete batch plant, no by-products of the operation including concrete slag, remnants, rock, gravel or other related debris shall be buried on site but shall be completely removed and the area re-graded smooth and the sod or grassy vegetation reestablished. The applicant shall be responsible for ensuring the complete restoration of the site.
4. **Hours of Operation and Duration.** The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the Director at the time of approval of the temporary use permit.
5. **Traffic Circulation.** The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
6. **Off-street Parking.** Adequate off-street parking shall be provided on-site for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s) or adjacent properties. Off-site parking shall only be allowed on adjacent property with the written permission of the property owner which must be submitted with the TUP application. Off-site parking shall not be permitted across major thoroughfares from the event in order to prevent pedestrian/vehicle hazards.
7. **Public Conveniences and Litter Control.** Adequate onsite rest room facilities and litter control may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
8. **Appearance and Nuisances.** The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
9. **Signs.** The Director shall review all signage, although a sign permit is not required. The Director may approve the temporary use of attention attracting devices.

E. Additional Conditions

The Director may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, and guarantees for site restoration and cleanup following the temporary use.

1. A temporary building or structure may be used as an office incidental to construction work if such building is located upon the same property as the site under construction and does not provide for a use that is not incidental to construction on the premises. Such buildings or structures shall be removed following final acceptance of the construction by the City. No longer than thirty (30) days maximum shall be allowed for removal of such buildings or structures.
2. A temporary facility, or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or a sales office, or for display purposes. No more than one (1) office and no more than four (4) display facilities shall be allowed for any purposes in any subdivision. Such temporary uses shall be allowed for a period of up to one (1) year, with extensions upon application and approval, of up to six (6) months possible, provided construction remains continuous and no more than ten (10) lots remain unsold in the subdivision. No more than two (2) such extensions shall be granted.

3. Temporary sales of seasonal products such as firewood, Christmas trees, pumpkins, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to six (6) weeks, except that a maximum of two (2) extensions of up to one (1) week may be possible upon application and approval. All vendors selling food products must first obtain a health permit from the City prior to receiving a Temporary Use Permit.
4. The Director, or his designee, in approving or denying such applications, shall consider the nature of the use; existing uses in the surrounding areas, noise, dust; light and traffic generated; health and sanitary conditions; and compliance with other regulations of this Ordinance. The Director, or his designee, shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within twenty-four (24) hours of such finding.
5. Any applicant (person, agent, corporation, or entity) renting or leasing a Private Party Rental Facility shall be required to comply with the following criteria:
 - a. The applicant shall obtain a Temporary Use Permit (TUP) not less than forty-eight (48) hours prior to renting the facility and the start of their event.
 - b. The total number of guests expected to attend shall be listed on the application which shall not exceed the stated safe capacity (occupant load) of the rental facility as determined by the Fire Marshall or his designee.
 - c. Proof of adequate on-site parking shall be required at a ratio of one parking space for each three (3) guests or seats in the rental facility whichever is greater. Parking spaces shall be clearly marked and meet the minimum design standards as set forth in Section 33 of this Ordinance. Off-site parking shall only be allowed on immediately adjacent properties with written consent of the property owner. Guests shall not be allowed to park across a public street from the facility which may cause a pedestrian traffic hazard unless prior approval from the Chief of Police, or his designee, is obtained in which crossing guards or other safety devices are employed.
 - d. Parties with fifty (50) or more guests in which alcoholic beverages (except ceremonial toasts) are consumed shall be required to hire one off duty certified peace officer per every fifty (50) guests for security. **NOTE:** The issuance of a Temporary Use Permit is considered irrevocable consent by the applicant for the City of Terrell Police Department to enter the premises and inspect for compliance with city ordinances or laws as applicable. If violations are found, the Terrell Police may revoke the Temporary Use Permit and require all occupants to vacate the premises and/or take other actions deemed necessary to preserve the peace and protect the public's health, safety and welfare.
 - e. In no case shall a cover charge, general admission or entry fee be charged to guests attending an event or party at a Private Party Rental Facility.
 - f. No alcohol shall be served by an open bar charging guests for alcoholic drinks unless the owner of the property is legally licensed by the Texas Alcoholic Beverage Commission (TABC) to sell alcohol and a permanent Specific Use Permit (SUP) has been approved by the City Council in accordance with Section 31B of this ordinance. Alcoholic beverages consumed on the premises shall be "bring your own" or provided by the host free of charge. Ceremonial consumption of wine or champagne by guests is exempt from the requirement for off-duty peace officers as security guards if no other alcohol is to be consumed.
 - g. A ceremonial drink or toast is no more than one serving of alcohol (typically wine or champagne) consumed per person in recognition of an honoree(s) such as a bride and groom.
 - h. Repetitive rental or leasing by the same person, corporation, agent or entity shall be

considered a permanent use and a violation of this ordinance. Repetitive shall mean more than once per thirty (30) day period unless the applicant provides information that the rentals are for separate unrelated events.

F. Appeals

A denial of a temporary use permit by the Director may be appealed to the Zoning Board of Adjustment. The appeal shall be made by submitting an application for a variance to the Director with the required fee as listed in the Fee Schedule as adopted or amended.

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SECTION 39 PERFORMANCE STANDARDS

39.1 PERFORMANCE STANDARDS – GENERAL:

A. **Compliance Required:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining the premise. Any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of determination of their existence.

B. **Standards:**

1. Smoke: The requirements of the TCEQ.
2. Particulate Matter: The requirements of the TCEQ.
3. Odor: No establishment or operation shall permit odors which are detectable at the property line in Commercial and Light Industrial Districts and which offensively affect the sense of smell.
4. Toxic Material: The emission of toxic and noxious materials shall not produce concentrations exceeding 10% of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists, at a zone boundary line.
5. Glare: No direct or sky-reflected glare, whether from artificial light or from high-temperature processes such as combustion or welding or otherwise shall be allowed to cross a zoning district boundary line, and should be prevented by shielding or other methods or means.
6. Vibration: No continuous earth borne vibration shall be permitted which is discernible without instruments at the points of measurement along the nearest adjacent property line.
7. Noise: For properties further than 300 feet from the property line of a hotel, residence or school, any unreasonably loud, disturbing, unnecessary noise in excess of 85 decibels at a distance of fifty feet (50') from the property line, or when measured from any point on the on-site public parking area, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is prohibited. For any property within 300 feet of the property line of a hotel, residence or school, any unreasonably loud, disturbing, unnecessary noise in excess of 75 decibels at a distance of fifty feet (50') from the property line, or when measured from any point on the on-site public parking area, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is prohibited. .

For properties further than 300 feet from the property line of a hotel, residence or school, any noise of such character, intensity and continued duration in excess of 85 decibels at a distance of fifty feet (50') from the property line or when measured from any point on the on-site public parking area which substantially interferes with the comfortable enjoyment of a dwelling, hotel or other type of residence by persons of ordinary sensibilities is prohibited. For any property within 300 feet of the property line of a hotel, residence or school, any noise of such character, intensity and continued duration in excess of 75 decibels at a

distance of fifty feet (50') from the property line or when measured from any point on the on-site public parking area which substantially interferes with the comfortable enjoyment of a dwelling, hotel or other type of residence by persons of ordinary sensibilities is prohibited.

8. **Fire Hazards:** The storage, utilization, or manufacture of solid materials or products ranging from incombustible or moderate burning is permitted in accordance with applicable City Codes and Ordinances. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable City Codes and Ordinances provided the following conditions are met:

Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table 39-1 (exclusive of storage or finished products in original sealed containers) and the City's fire prevention code as interpreted by the City of Terrell Fire Marshal.

TABLE 39-1		
Industries engaged in storage and distribution of such materials	Prohibited Above Ground	100,000 Gallons Under Ground
Materials having a flash point gallons above 190 degrees Fahrenheit	Prohibited	100,000
From and including 105 degrees gallons Fahrenheit and including 190 degrees Fahrenheit	Prohibited	40,000
Materials having a flash point gallons below 105 degrees Fahrenheit	Prohibited	20,000
INDUSTRIES ENGAGED IN UTILIZATION AND MANUFACTURE OF SUCH MATERIALS		
Materials having a flash point gallons above 190 degrees Fahrenheit	10,000 gallons	50,000
From and including 105 degrees gallons Fahrenheit to and including 190 degrees Fahrenheit	1,000 gallons	20,000
Materials having a flash point below 105 degrees Fahrenheit	500 gallons	10,000

9. **Water Pollution:** No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public water unless in conformance with the rules and regulations of state agencies having jurisdiction of such discharge.

10. Liquid or Solid Waste: No discharge at any point shall be allowed into any public sewer, private sewer disposal system or stream or into the ground, except in accordance with standards approved by the State Health Department or standards equivalent to those approved in such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply interfere with bacterial process in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City Ordinances.

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SECTION 40 LIGHTING AND GLARE STANDARDS

40.1 PURPOSE:

- A. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas. Lighting installed by a governmental entity such as the State, County or City of Terrell for public health, safety and welfare or for recreational facilities is exempt from this section.
- B. It is the purpose of this ordinance to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property; reduce problems created by improperly designed and installed outdoor lighting; and minimize adverse effects on residents, vehicle operators and pedestrians, the natural environment, and astronomical observations.
- C. It is the intent of this ordinance to encourage “good neighbor” lighting practices and systems that attempt to minimize light trespass and glare from shining onto abutting properties or into street traffic.
- D. See the City of Terrell Subdivision Regulations for other applicable lighting requirements.

40.2 DEFINITIONS - For the purposes of this Ordinance, terms used shall be defined as follows:

- A. **Direct light** - light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminary.
- B. **Full Cutoff (FCO)** – describes a luminaire light distribution where 100 candela per 1000 lamp lumens (10%) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1000 lamp lumens (0%) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded (see Figure 40-1).
- C. **Foot-candles** - a unit of light measurement equal to one lumen per square foot.
- D. **Fully Shielded** – a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.
- E. **Glare** – a luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.
- F. **Grandfathered luminaries** - Luminaries that were in place at the time this code became effective and did not conform to this code but were otherwise legal. When an ordinance “grandfathers” a luminary, it means that such already-existing outdoor lighting does not need to be changed unless the fixture or bulb are being upgraded or replaced (replacing non-conforming fixtures with matching fixtures shall be allowed if under 50% of the fixtures on site are being replaced).
- G. **Illuminance** - the quantity of light arriving at a surface measured in lux or foot-candles.
- H. **Intermittent lighting** – security luminaries that do not remain on for an extended period of time (typically less than 5 minute intervals).
- I. **Lumen** - a unit of luminous flux. One foot-candles is one lumen per square foot. For the purpose of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.
- J. **Luminary** - a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

- K. **Nadir** – the direction pointing vertically down from the lowest light emitting part of the luminaire (see Figure 40-1 for an example)
- L. **Outdoor lighting** – night-time illumination of an outside area or object by any man-made device that is located outdoors and produces light.
- M. **Temporary outdoor lighting** – lighting for a specific unusual purpose of an outside area or object by any man-made device that produces light for a period of less than 7 days, with at least 30 days passing before being used again.
- N. **Trespass lighting** – light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

40.3 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:

- A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.
- B. All public and private outdoor lighting installed in the City of Terrell shall be in conformance with the requirements established herein:

1. Intensity and Glare:

- a. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.
- b. Any luminary that is aimed, directed, or focused such as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways is prohibited. Such luminary shall be redirected or its light output controlled as necessary to eliminate such conditions.
- c. To the extent allowed by federal and state law this ordinance limits luminaries used for public-roadway illumination to a maximum height of 25 feet, the location of which may be positioned at that height up to the edge of any bordering property.
- d. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article.
- e. The use of temporary lights for construction shall be approved by the Building Official on a case by case basis if the use does not create a nuisance to adjacent residential properties, hospitals, nursing homes, etc. or create a hazard for aircraft, vehicular or pedestrian traffic.

Table 40-1	
Station/Store Component	Lighting Level
Approach	2.0 fc
Driveway	2.0 fc
Pump Island	10.0 fc
Building Façade	3.0 fc
Service Areas	3.0 fc
Landscape Highlights	2.0 fc

2.

Height:

- a. The maximum height for poles with lights is thirty-five feet (35').
- b. Special lighting or lighting higher than thirty-five feet (35') may be approved as specifically noted on the applicable required plan (i.e., Building Permit Plan, Concept Plan, Site Plan).

3. **Allowable Lighting Uses and Fixtures:**

- a. Lighting may be used to emphasize features of architectural or historical significance, and to light roads, parking areas, walkways, bikeways, pathways, parks and gardens. It may be used for advertising or display to promote products or services, or to call attention to commercial premises by means of area lighting and signs.
- b. Lighting shall follow the outline of Figure 40-3, which illustrates the types of acceptable outdoor lighting that are approved under this ordinance. No lighting installed on any commercial property shall be under the "Unacceptable Fixture" column in Figure 40-3. Instead, all commercial lighting shall follow lighting styles under the "Acceptable Fixture" column.
- c. **Nonconforming Lighting.** When an ordinance "grandfathers" a luminary, it means that such already-existing nonconforming outdoor lighting does not need to be changed unless the fixture or bulb are being upgraded or replaced.
 - i. Replacing non-conforming fixtures with matching fixtures shall be allowed if fewer than 50% of the fixtures on site are being replaced.
 - ii. Any structure undergoing major renovations in excess of 50% of the appraised value shall upgrade all existing outdoor lighting to conform to this ordinance.
 - iii. All nonconforming bulbs shall be replaced with conforming bulbs (luminaires).

4. **Service Station/Convenience Store Lighting:**

- a. Outdoor sales and gas stations canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
- b. The following average maintained illuminance levels for service stations must not be exceeded:

5. **Outdoor Advertising Signs:**

- a. Lighting fixtures used to illuminate an outdoor advertising sign shall conform to the requirements specified in the City's most current sign regulations.
- b. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred.

6. **Prohibited or Restricted Lighting:**

- a. ***Laser Source Lighting*** - The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal is prohibited unless authorized by the Director with a Temporary Use Permit as a special event such as a laser light show.
- b. ***Searchlights*** – The operation of searchlights for advertising purposes is prohibited, except that City Council may by ordinance authorize searchlights for special events.

40.4 **LUMINAIRES:**

- A. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 40.5 below.
- B. For lighting horizontal tasks such as roadways, sidewalks, entrances and parking area, fixtures shall meet “full cutoff” criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- C. NEMA-head fixtures, a.k.a. “barn lights” or “dusk-to-dawn lights,” shall not be permitted on any commercial property unless fitted with a city approved reflector to render them full cutoff.
- D. “Park style” or “Period style” fixtures shall not be permitted on any commercial property (except in the CBD District or when approved by the City Council as part of a zoning application) unless fitted with a city approved reflector to render them full cutoff.
- E. Wall pack fixtures shall not be permitted on any commercial property unless fitted with a city approved reflector to render them full cutoff.
- F. All trespass lighting for nonresidential applications shall not exceed 2.5 foot-candles measured at the property line unless the adjacent property is residential which shall then not exceed 0.25 foot-candles at the property line.
- G. Floodlight fixtures must be aimed so as to prevent direct radiation of light into the open sky at any angle above the horizontal plane as shown in Exhibit 2 and verified using the method shown in Exhibit 3.
- H. All applications for a commercial building permit shall include an outdoor lighting plan which shall comply with the standards as listed herein. All outdoor lighting on commercial property shall be full cutoff and the documentation to prove full cutoff status of outdoor lighting must be provided to the city from the manufacturer or firm handling the installation of said outdoor lighting.

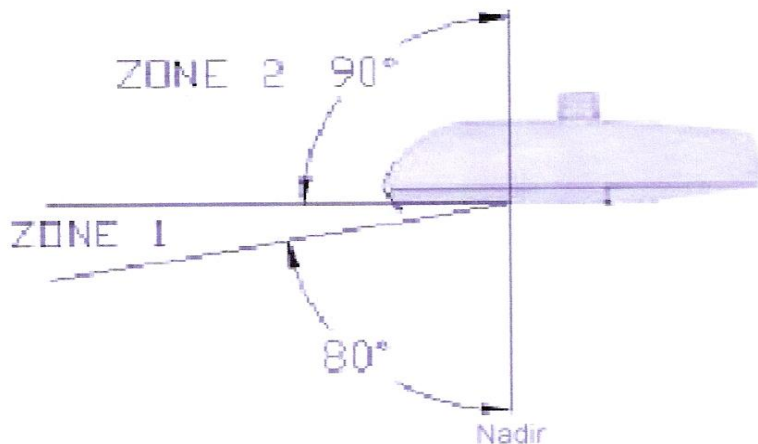


Figure 40-1. The Full Cutoff (FCO) luminaire on any commercial property (beginning at 80 degrees up from nadir to less than 90 degrees) may emit up to 100 candela per 1000 lamp lumens (10%) at all vertical angles. This applies to all horizontal angles around the luminaire. This information can be provided on the packaging of the outdoor light or from the manufacturer as proof of compliance.

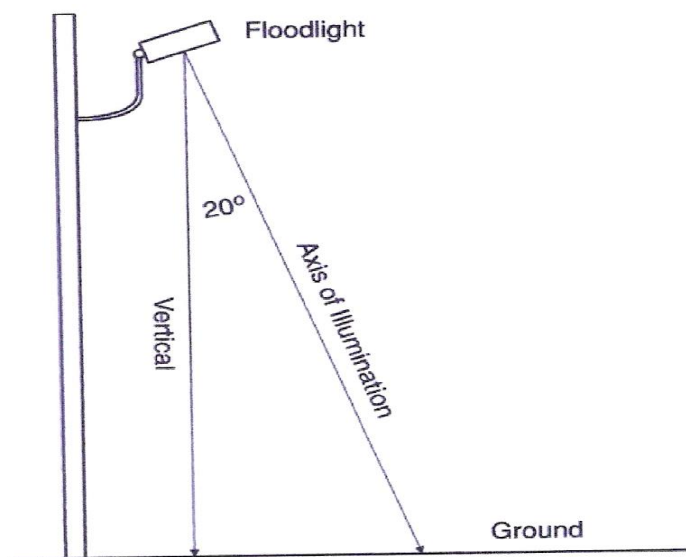
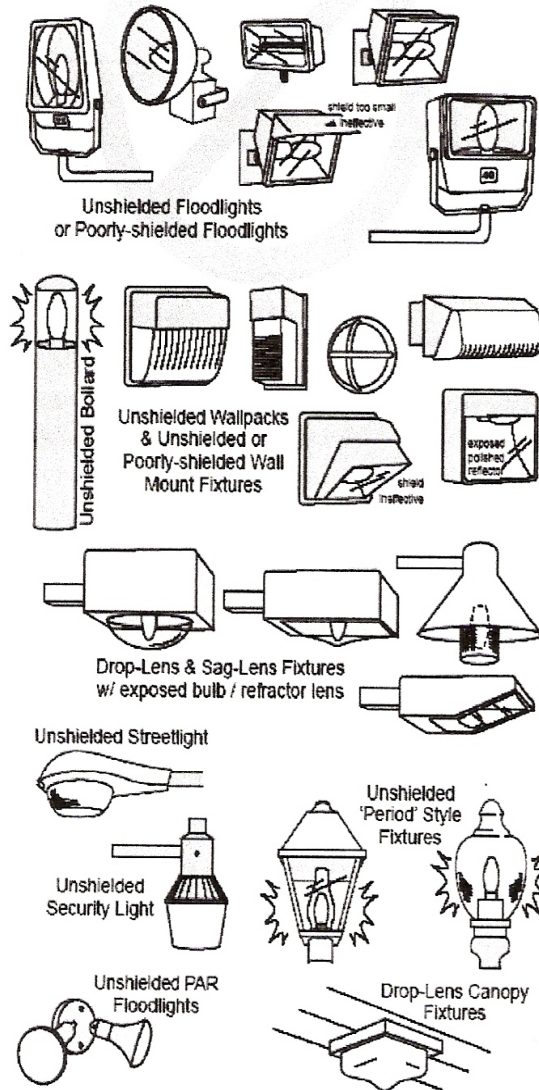


Figure 40-2. For spotlights and floodlights mounted overhead and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.

Figure 40-3

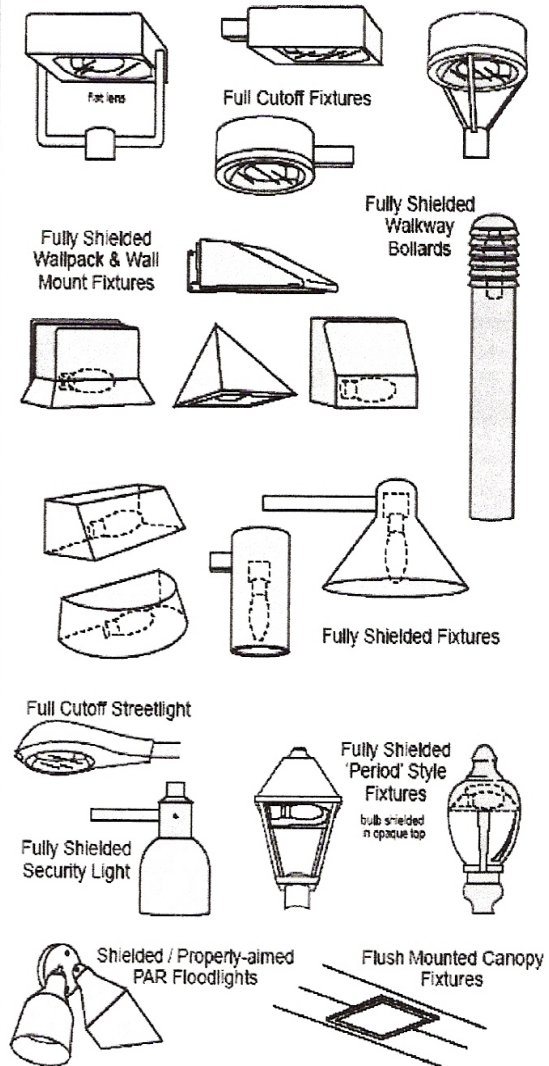
Unacceptable Fixtures

Fixtures that produce glare and light trespass



Acceptable Fixtures

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



40.5 RESIDENTIAL LIGHTING AND GLARE STANDARDS:

- A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
 - 1. Direct lighting over ten feet (10') in height is shielded from adjacent property.
 - 2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.
 - 3. Lighting shall not directly shine on adjacent dwellings. All residential trespass lighting shall not exceed 0.25 foot-candles at the property line, with the exception of intermittent lighting.
 - 4. Intermittent lighting shall be of the “motion sensor” type that stays on for a period of time not to exceed five minutes and has a sensitivity setting that allows the luminary to be activated only when motion is detected on the site.

40.6 SPECIAL OR HOLIDAY LIGHTING -- LOW WATTAGE:

- A. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) calendar days for each holiday used.

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SECTION 41 HOME-BASED BUSINESS (HBB) REGULATIONS

41.1 PURPOSE:

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

41.2 SPECIAL PROVISIONS FOR HOME-BASED BUSINESS (HBB):

- A. Home-based business (HBB) is defined as a business that is operated: (a) from a residential property; (b) by the owner or tenant of the property; and (c) for the purpose of manufacturing, providing, or selling a lawful good or providing a lawful service.
- B. “No-impact-home-based-business” (NIHBB) is defined as a HBB that: (a) has at any time on the property where business is operated a total number of employees and clients or patrons of the business that does not exceed the city’s occupancy limit for the property; (b) does not generate on-street parking or a substantial increase in traffic through the area; (c) operates in a manner in which none of its activities are visible from a street; and (d) does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.
- C. Home-based business (HBB) shall be permitted as accessory use in single- and two-family residential zoning districts (i.e., AG, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12 and MH) provided that they comply with all restrictions herein; D. The HBB shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
- E. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty-five percent (25%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
- F. The HBB shall not employ any person who is not a member of the household in which the home occupation occurs.
- G. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 7:00 a.m. and 10:00 p.m. for indoor activities;
- HF. The HBB activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
- I. There shall be no outside storage, including trailers, or outside display related to the home occupation use;
- J. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;

- K. The HBB shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;
- L. The HBB shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
- M. The HBB shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;
- N. The HBB shall not offer a ready inventory of any commodity for sale on the premises.
- O. The HBB shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.
- O. The HBB shall comply with federal, state, and local law, including a city fire and building code or city regulations related to health and sanitation, transportation or traffic control, solid or hazardous waste, or pollution and noise control.

41.3 APPLICABILITY OF OTHER REGULATIONS:

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

41.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 41.2 above, home occupations may include the following uses:

- A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
- B. Author, artist or sculptor;
- C. Dressmaker, seamstress or tailor;
- D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;
- E. Individual tutoring and home schooling;
- F. Millinery;
- G. Office facility of a minister, rabbi, priest or other clergyman;
- H. Home crafts, such as rug weaving, model making, etc.;
- I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
- J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

- K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
- L. Registered Family Homes (see definition in Section 44), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;
- M. Barber shop/beauty salon or manicure studio.
- N. Swimming lessons and water safety instruction provided that such instruction involves no more than six (6) pupils at any one time during daylight hours.

41.5 USES PROHIBITED AS HOME OCCUPATIONS:

Home occupations shall not, in any event, be deemed to include the following uses:

- A. Animal hospitals or clinics, commercial stables, or kennels;
- B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than six (6) pupils at a time;
- C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home;
- D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;
- F. On-premises retail or wholesale sales of any kind.
- G. Commercial clothing laundering or cleaning;
- H. Mortuaries or funeral homes;
- I. Trailer, vehicle, tool or equipment rentals;
- J. Repair shops or services, except as specifically provided in Section 41.4 above;
- K. Drapery or furniture upholstery shops;
- L. Antique, gift or specialty shops;
- M. Repair shops for any items having internal combustion engines; and
- N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

41.6 HOME OCCUPATION USES NOT CLASSIFIED:

- A. Any use that is not either expressly allowed nor expressly prohibited by Sections 41.4 and 41.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Terrell City Council, subsequent to a recommendation by the Planning and Zoning Commission.

41.7 EFFECT OF SECTION 41 UPON EXISTING HOME OCCUPATIONS:

- A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7, provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on the effective date of this Ordinance. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

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SECTION 42 SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES

42.1 GASOLINE SALES FACILITIES:

- A. Gasoline service station pump islands that parallel a public street may be located a minimum of sixteen feet (16') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than sixteen feet (16') to any property line that is not adjacent to a public street.
- B. Canopies for gasoline service station pump islands shall be located no closer than fifteen feet (15') from any street right-of-way line or side or rear property line.
- C. Any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances shall be located at least twenty feet (20') away from any front property line, and at least thirty feet (30') away from any residential zoning district, except where such appurtenances are located wholly within a building.
- D. Any service station providing self-service dispensing facilities for customers shall provide an emergency shut-off switch which will completely eliminate the flow of fuels from all of the self-service pumps in any emergency situation, and shall be located in the vicinity where the station attendant will be located most of the time.
- E. Lighting shall be such that it shines downward and does not spill over onto adjacent property (see Lighting and Glare Standards, Section 40).
- F. Gasoline service stations which have other uses associated with it (e.g., convenience store, fast food sales, drive-through window service, car wash, dry cleaners, minor or major auto repair, etc.) must be properly zoned for each use to be located on the site (including a SUP, if that zoning district requires such for any of the uses), and the amount of parking and stacking spaces shall be determined cumulatively for all uses (see parking requirements, Section 33).
- G. The amount of paved area for gasoline service station sites shall be adequate to accommodate vehicle movements into and out of the site (including large tanker fuel trucks in the vicinity of the fuel storage tanks), but shall be minimized to the greatest extent practical and possible (to reduce storm water runoff, heat and glare, etc).

42.2 SWIMMING POOLS:

- A. A swimming pool shall be defined as any pool or open tank that is intended for human use and that contains, or is capable of containing, water to a depth at any point greater than twenty-four (24") inches. No such swimming pool shall be constructed, maintained or operated in any district, whether as an accessory use or as a principal use, unless it complies with the following requirements and with any other related codes or policies of the City of Terrell. See Chapter 4, Building Regulations, Section 19, Swimming Pool Code, City of Terrell Code of Ordinances.
- B. If located in any residential zoning district, the swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal building on the property and their guests, or for the enjoyment of bona fide members of a club and their guests (provided the club itself is properly zoned).
- C. **Requirements for all Swimming Pools:**

1. No swimming pool shall be located within a required front yard.
2. No swimming pool (except decking) shall be located closer than three feet (3') to any side or rear property line.
3. Enclosures and safety devices: The swimming pool (or the property or compound area in which the pool is located) shall be walled or fenced with a minimum four-foot (4') high fence or wall of masonry, wood or ornamental metal construction or other material that provides a solid barrier which shall be maintained in good condition, and which shall be equipped with a self-closing and self-locking gate to prevent uncontrolled access by children into the pool area. All enclosures and required safety devices shall be in accordance with Section 3109 of the International Building Code as adopted.
4. Filtration and Pump System: The filtration and pump system shall be large enough to completely circulate the pool water once every six (6) hours, and shall not be located within any front yard setback. Such equipment may be located in a side or rear yard provided that it is completely screened from view and noise-buffered from any adjacent property.
5. Permit: No swimming pool shall be constructed nor altered in any way without issuance of a building permit from the City and without complete compliance with this Ordinance.

- D. Special Requirements for Swimming Pools in Apartment Complexes and in the MF, SFA and MH Zoning Districts:** The swimming pool shall be located behind the front yard setback and behind the front façade of the front-most building, and it shall not be located within any required side or rear yard setback.

42.3 EXTRACTION OF MINERALS:

- A. General Requirements:** Any owner, leasee, or other person, firm, or corporation, having an interest in mineral lands in the AG zoning district only may file an application for a Specific Use Permit (SUP) with the City for authorization to mine minerals there from, provided, however, that it shall comply with all requirements of the AG zoning district in which said property is located, and with the following additional requirements.
1. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the City Council where such is deemed necessary for the protection of adjacent property.
 2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operation is adjacent to the right-of-way or any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.
 3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Building Official, such fencing is necessary for the protection of the public safety, and such fencing shall be of the type and height specified by the Building Official.
 4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the City Engineer or the City Council.
 5. Processing: The actions of crushing, washing, refining or other similar processing may be authorized by the City Council as an accessory use within the SUP ordinance, but such actions

or processing shall not be in conflict with the use regulations of the district in which the operation is located.

6. Financial Ability: In accepting such SUP request for review, the City Council must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with plans and specification submitted, and in accordance with City health, safety and welfare standards and ordinances.
7. Application: An application for a SUP for such operation shall set forth the following information (additional information may be required by the Municipal Development Department or by the City Council):
 - a. name of land owner from which removal is to be made;
 - b. name of applicant making request;
 - c. name of person or corporation conducting actual removal operation;
 - d. location, description, and size of area from which removal is to be made;
 - e. location of processing plant;
 - f. type of resources or materials to be removed;
 - g. proposed method of removal and if blasting or other use of explosives will be required;
 - h. description of equipment to be used; and
 - i. method of rehabilitation and reclamation of mined area.
8. Planning and Zoning Commission Recommendation: In accordance with Section 31B, Specific Use Permits, the Planning and Zoning Commission of the City of Terrell shall give its recommendation regarding a SUP to the City Council prior to the City Council's final determination of application.
9. Rehabilitation: To guarantee restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a surety bond to the City of Terrell, in the amount of not less than five thousand dollars (\$5,000), the upper limit to be determined by the City Council, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time, but not more than one (1) year, and shall, to the satisfaction of the City Council, meet the following requirements.

- a. *Surface Rehabilitation:* All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure that the excavated area shall not collect or permit to remain therein stagnant water or that the surface or such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land areas.
 - b. *Vegetation:* Vegetation shall be restored by appropriate seeds, grasses, or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
 - c. *Banks of Excavations:* The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said banks shall be seeded.
10. Additional Requirements: In addition to the foregoing, the City Council may impose such other conditions, requirements, or limitations concerning the nature and extent of the use and operation of such mines, quarries, or gravel pits as the City Council may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the surety bond shall be determined by the City Council prior to issuance of the SUP and issuance of the mining permit. No mining at all will be allowed without a permit as required by this Section or by any local, County, State or Federal agency.

42.4 **SEXUALLY ORIENTED BUSINESSES:**

See Chapter 5, Section 5-14 of the City's Code of Ordinances as adopted or amended.

42.5 **ALCOHOLIC BEVERAGE SALES:**

See Chapter 5, Section 5-2 of the City's Code of Ordinances as adopted or amended.

42.6 **THRIFT STORES**

- A. No thrift store may be located within 1,000 feet of any residential zoning district boundary line, including, but not limited to, the EE-32 Executive Estate district, all SF-Single-Family districts, the TH-12 Townhouse district, the MF Multi-Family district, the MH Manufactured Home district, and any property zoned CBD Central Business District, any area zoned AG Agricultural, or any PD Planned Development district that allows residential uses;
- B. No thrift store may be located within 1,000 feet of another thrift store;
- C. For purposes of this section, the required separation shall be measured in a Straight line without regard to intervening structures or objects as follows:
 1. If confirming the separation between a proposed thrift store and residential uses, the CBD Central Business District, any area zoned AG Agricultural, or any Planned Development District that allows residential uses, the distance shall be measured from the closest point on the property line of the lot containing the proposed thrift store to the nearest portion of the boundary line of the above referenced districts.
 2. If confirming the separation between thrift store locations, the distance

shall be measured from the nearest portion of the property line of the Commercial District where the existing thrift store is located to the nearest portion of the property line of the Commercial District where the new thrift store is proposed.

- A. Outside storage and display shall be prohibited in conjunction with the operation of a Thrift Store.
- B. Exception. This section does not apply to charitable sales held on a one-time basis by a church or other non-profit organization.

See Chapter 5, Section 5-17 of the City's Code of Ordinances as adopted or amended and Sections 33 and 44 of this Ordinance for associated permitted uses and definitions.

42.7 BAIL BOND SERVICE

- A. No Bail Bond Service office shall be located within 1,000 feet of any residential zoning district boundary line, including the EE-32 Executive Estate District, all SF – Single Family districts, the TH-12 Townhouse district, the MF Multi-Family district, the MH Manufactured Home district, any property zoned CBD Central Business District or any PD Planned Development District that allows residential uses;
- B. No bail bond service office shall be located within 1,000 feet of any other tract that the location of a bail bond service;
- C. For purposes of this section, the required separation shall be measured in a straight line without regard to intervening structures or objects:
 - 1. If confirming the separation between the proposed bail bond service and residential uses, the distance shall be measured from the nearest portion of the boundary line of any residential zoning districts in 42.7.A above, any CBD district, or any PD Planned Development District for residential uses.
 - 2. If confirming the separation between bail bond service locations, the distance shall be measured from the nearest portion of the property line of the Commercial District where the existing bail bond service is located to the nearest portion of the property line of the Commercial District where the new business is proposed.

42.8 CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES, and CAR TITLE LOAN BUSINESSES.

- A. No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of any residential zoning district boundary line, including, but not limited to, the EE-32 Executive Estate district, all SF-Single-Family districts, the TH-12 Townhouse district, the MF Multi-Family district, the MH Manufactured Home district, and any property zoned CBD Central Business District, any area designated for agricultural purposes, or any PD Planned Development district that allows residential uses;
- B. No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of another check cashing business, payday advance/loan business or car title loan business;
- C. For purposes of this section, the required separation shall be measured in a straight line without regard to intervening structures or objects:

If confirming the separation between the proposed check cashing business,

payday advance/loan business or car title loan business and residential uses, the distance shall be measured from the nearest portion of the boundary line of any of the residential districts in 42.8 A above, any CBD district, any area zoned for agricultural purposes, or any PD Planned Development District that allows residential uses.

1. If confirming the separation between check cashing business, payday advance/loan business or car title loan business locations, the distance shall be measured from the nearest portion of the property line of the Commercial District where the existing check cashing business, payday advance/loan business or car title loan business is located to the nearest portion of the property line of the Commercial District where the new business is proposed.

Exception: This section does not apply to check cashing activities at a lawful business engaged in the sale of food, beverages, tobacco products and/or sundries (i.e. a convenience or grocery store) and/or check cashing activities at a business duly licensed or permitted to sell alcoholic beverages by the Texas Alcoholic Beverage Commission.

42.9 GUN RANGE (INDOOR)

Screening requirement for indoor gun range shall include a minimum landscape buffer of no less than 30 feet of full landscaped screening to a height of no less than 8 feet along any property line that is not a public street.

42.10 GUN RANGE (OUTDOOR)

- i. Operating hours shall be limited to one hour after sunrise to one hour prior to sunset.
1. Outdoor shooting facilities shall be required to maintain a 300 foot setback from any property line to any end of range barrier, any projectile path and any firing location. Certificates of Occupancy for Outdoor shooting facilities shall be annual only and may only be issued when the facility demonstrates current liability coverage for a shooting facility and compliance with any applicable SUP requirements.

42.11 MOBILE FOOD UNIT.

- A A Mobile Food Unit may operate as part of a temporary special event (with a temporary food permit), as part of an approved land use.
2. The Mobile Food Unit shall be located on private property where an existing business is currently operating with a valid Certificate of Occupancy (CO). Operation within the public right-of-way is prohibited.
3. A Mobile Food Unit is not to be permanent use at one location.
4. Mobile Food Units shall only operate during the allowed “host business” hours and shall be required to be removed from the property during non-operation hours (i.e., overnight storage on the site is prohibited unless otherwise approved with the Specific Use Permit).
5. The Mobile Food Unit must obtain an annual mobile food establishment permit, which includes a health and fire inspection.
6. A Mobile Food Unit health permit shall be issued upon approval of fire and health inspections.
7. A mobile unit health permit shall be valid for a period of twelve (12) months following issuance thereof.
8. The Mobile Food Unit shall be equipped with trash receptacles and outside storage of trash shall be prohibited. Water and /or wastewater may not be discharged onto the ground.
9. The Mobile Food Unit shall have permanent restrooms available within three-hundred feet (300’) of the facility. Portable restroom facilities are not permitted to meet this requirement unless otherwise approved in conjunction with a special event.
10. The Mobile Food Unit shall have access to a minimum of two (2) dedicated parking spaces and shall not reduce the required parking for the existing building / land use.

11. All noise and lighting shall be subject to the requirements of the City of Terrell Code of Ordinances and the Zoning Ordinance. In addition, no lights associated with the operation of a Mobile Food Unit may be directed towards an adjacent property or onto a public right-of-way.
12. All signage must be attached to the Mobile Food Unit, with the exception of one (1) freestanding menu board no greater than eight (8) square feet placed adjacent to the Mobile Food Unit.
13. A Mobile Food Unit may operate on City of Terrell owned property at any time with written approval of the City Manager, or his designee. This request does not require the appropriate food permit and inspection, and payment.

42.12 **MOBILE FOOD UNIT COURT**

- A. A site plan shall be approved prior to locating any Mobile Food Unit on the property.
- B. Permanent restroom facilities available to owners, operators, and customers of the Mobile Food Units operating in the Court must be located within 1,000 feet of each location where a Mobile Food Unit may be parked.
- C. All vehicles, including mobile food units shall be parked on an improved surface.
- D. Electricity shall be provided with permanent outlets by way of a portable cord that complies with Section 3.09 (National Electrical Code), as amended.
- E. Any waste, liquid or solid, shall be disposed of safely and properly as per all associated local and state regulations. Trash service and receptacles shall be provided in accordance with City requirements.
- F. A mobile food unit cannot be left unattended or left on site overnight.

42.13 **DESIGN STANDARDS FOR REPURPOSED SHIPPING CONTAINERS** – the intent of this section is to promote compatible design of repurposed shipping containers in context to the relationship of scale, materials and architectural elements to surrounding neighborhoods, buildings and structures: Repurposed shipping containers are only allowed within non-residential zoned properties. .

- A. Building scale and relationship
 1. Each building or structure built with repurposed shipping containers, or with any part of a repurposed shipping container, shall be within 20 percent of the average height and within 20 percent of the average width of buildings and structures located in the same block-face; and
- B. Building Materials
 1. The exteriors of each building or structure built with a repurposed shipping container, or with any part of a repurposed shipping container shall consist of 100 percent of the following building materials:
 - i. Masonry;
 - ii. Glass
 - iii. Wood; and/or
 - iv. Siding
 2. Building materials shall be consistent with building materials for other buildings located in the same block-face.
- C. Architectural elements of each building or structure built with repurposed shipping containers, or with any part of a repurposed shipping container:
 1. The pitch of roof lines shall be within 20 percent of the average pitch of the roof lines of buildings located in the same block-face.
 2. The foundation shall be consistent with the type of foundation of other buildings located in the same block-face. Pier and beam or raised foundation shall be screened with landscaping or covered with a compatible building material.
 3. A porch shall be installed where 50 percent or more of buildings located in a block-face contain a porch.

- D. Building permit application for review by the Municipal Development department shall include full design and engineered plans verifying the structural integrity of the structure and requested build-out options.

SECTION 43 (*RESERVED*)

SECTION 44. DEFINITIONS

- 44.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.
1. **ACCESSORY BUILDING / STRUCTURE (NON-RESIDENTIAL)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").
 2. **ACCESSORY BUILDING / STRUCTURE (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, carport, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, gazebo, patio cover, garden shelter, etc.
 3. **ACCESSORY DWELLING (GARAGE APARTMENT)** – A separate secondary residential structure located on the same lot as a single-family main / primary building but not attached to the main building, sometimes known as a mother-in-law's quarters. An accessory dwelling shall not be sold, rented, leased, let, or hired out separately from the main / primary residential structure and shall only be occupied by members of the same family occupying the main / primary residential building (see "Family" definition).
 4. **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).
 5. **AIRCRAFT PARTS & AUXILIARY PARTS, MANUFACTURING (EXCLUDING MANUFACTURE OR ASSEMBLY OF FUSELAGE SECTIONS)** – See "Manufacturing, General"
 6. **AIRPORT OR LANDING FIELD** - 7A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
 7. **ALCOHOLIC BEVERAGE RETAIL SALES** – Any establishment, place of business, or person engaged in the selling of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumptions. See Chapter 5, Section 5.2 of the Code of Ordinances, as amended

8. ALLEY - A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes, which may or may not be improved. No fences, storage or structures are allowed in alley rights-of-way.
9. AMBULANCE SERVICE - Provision of private (not operated by the City of Terrell) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles and boarding rooms for ambulance drivers.
10. AMUSEMENT DEVICES / ARCADE (ALSO VIDEO ARCADE) - Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to four (4) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
11. AMUSEMENT, COMMERCIAL (INDOOR) - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.
12. AMUSEMENT, COMMERCIAL (OUTDOOR) - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
13. ANIMAL RENDERING PLANT (SLAUGHTERHOUSE) – An establishment for the processing of animals and the refining of their byproducts; and/or a facility where animals (including game) are processed; and/or a facility where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed.
14. ANTENNA / TOWER (COMMERCIAL) - An antenna or antenna tower/support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). The antenna tower/support structure shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. Antennas may be

further restricted as to height and location by the Texas Historic Commission rules; See Section 38.5.

15. ANTENNA / TOWER (NON-COMMERCIAL) - An antenna and antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. Antennas located in a residential district shall be limited to thirty-five (35') feet in height and shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered a non-commercial antenna. See Section 38.5
16. ANTIQUE / CONSIGNMENT SHOP (INSIDE SALES) - A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a "used merchandise store", a "resale shop" or a "consignment shop" in that it does not market common, contemporary used household goods, clothing or furnishings – rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiques (generally over 100 years old) from past eras; outside displays are permitted only in areas designated on the site plan filed with the City; outdoor display areas may not exceed five percent (5%) of the primary building floor area; all sales and storage occurs inside.
17. APPLIANCE (MAJOR) SALES, RENTAL, REPAIR – See "Retail Store/Shop"
18. APPLIANCE (MINOR) SALES, RENTAL, REPAIR – See "Retail Store / Shop"
19. ART GALLERY OR MUSEUM - An institution for the collection and/or display of bona fide objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public. An art gallery/museum can include a small gift shop that sells items to visitors provided that such sales are clearly accessory to the primary use as a gallery/museum. An establishment that sells new art or science objects on the retail market shall be defined as a "retail store", and an establishment that sells used objects (or parts of objects) shall be defined as a "used merchandise store".
20. ARTISAN'S WORKSHOP – An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items
21. ARTIST STUDIO – An accessory use, building or structure detached from the residence on the lot on which it is located, which is used only by an individual working in the fine arts on a professional basis.
22. ASSEMBLY AND FABRICATION PROCESSES- See "Light Manufacturing or Industrial Use"
23. ASSISTED LIVING FACILITY – A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational

areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized activities. An assisted living facility may include an adult daycare as an accessory use.

24. ATHLETIC FIELD OR STADIUM (PRIVATE) - An athletic field or stadium owned and operated by a private owner, agency or entity other than the City of Terrell or the Terrell Independent School District.
25. ATHLETIC FIELD OR STADIUM (PUBLIC) - An athletic field or stadium owned and operated by a public agency (e.g., City of Terrell, Terrell Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
26. AUCTION / AUTO STORAGE –The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").
27. AUTO DEALERSHIP (USED AUTO SALES AS ACCESSORY USE ONLY) – See "Vehicle Display, Sales, and Service"
28. AUTO DEALERSHIP (USED AUTO SALES) – See "Vehicle Display, Sales, and Service"
29. AUTO MUFFLER SHOP – See "Auto Repair, Major"
30. AUTO PAINT AND BODY SHOP – See "Auto Repair, Major"
31. AUTO PARTS AND ACCESSORY SALES (INDOORS) - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
32. AUTO RENTAL OR LEASING – Short-term renting or leasing of automobiles, motorcycles and light load vehicles with outside storage.
33. AUTO REPAIR GARAGE - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
34. AUTO REPAIR, MAJOR - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; welding, vehicle steam cleaning; undercoating and rust proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

35. AUTO REPAIR, MINOR - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.
36. AUTO RETAIL SALES / REPAIR – See “Auto Repair, Minor”
37. AUTOMATIC TELLER MACHINES (ATMs) – A machine that dispenses cash and allows you to make other banking transactions; typically consists of a screen, a card reader, a keypad, a cash dispenser, and a printer.
38. AUTOMOBILE - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.
39. AUTOMOBILE DRIVING SCHOOL – Any business or establishment, which employs instructors to teach persons to operate Motor Vehicles.
40. BAIL BOND SERVICE – A service arranged by an agent promising money or property to ensure that a person named in a legal action appears in court for the designated criminal proceeding at the date and time specified. (described by Ordinance 2653 as definition “287”).
41. BAKERY OR CONFECTIONERY (COMMERCIAL / WHOLESALE) - A manufacturing facility which is typically over 2,000 square feet in size for the production and distribution of baked goods and confectioneries to retail outlets.
42. BAKERY OR CONFECTIONERY (RETAIL) - A facility which is typically less than 2,000 square feet in size for the production and/or sale of baked goods for human consumption such as (but not limited to) pies, cakes, cookies, doughnuts, desserts, etc.
43. BANK / FINANCIAL INSTITUTION RELATED DEFINITIONS:
 - a. Depository Financial Institution – means a Federal or State chartered depository financial institution such as a bank, savings and loan association, or credit union which conducts transactions regarding the custody, deposit, savings, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.
 - b. Non-depository Financial Establishment – means any establishment, entity, business, corporation, or person required to be registered with the Secretary of State as a

“Credit Service Organization” (CSO) under Chapter 393 of the Texas Finance Code, such as, check cashing businesses, payday advance/loan businesses, or car title loan businesses offering one or more of the following services as defined in this section:

- i. Check cashing business – a CSO establishment that provides check cashing services for an amount of money equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; or an agreement not to cash a check or execute an electronic transfer of money for specified period of time in exchange for a cash advance for a fee; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.
- ii. Payday advance/loan business – a CSO establishment that makes payday cash advances, payroll cash advances, short term cash loans, instant loans, or other short term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer’s next payday, and then cashed unless the customer repays the loan to reclaim such person’s check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount. Loan extensions, pay back deadline extensions (often termed rollovers) may be granted subject to additional fees or charges.
- iii. Car title loan business – a CSO establishment that makes small or short term consumer loans that leverage the equity value of a motor vehicle, boat, or other recreational vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.

Exceptions: Convenience store, gasoline stations, super markets, grocery stores or other retail establishments where consumer retail sales constitute at least 75% of the gross revenue generated on site. Pawn shops which are regulated under State Law are exempt from this definition.

- 44. BARBER / BEAUTY SHOP – a place where barbering, as defined in Texas Barber Act, Vernon’s Annotated Civil Statutes (Vernon’s Ann. Civ. St.), art 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.
- 45. BARN - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock. (see Section 14 for setback requirements)
- 46. BASEMENT (OR CELLAR) - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided

and used for commercial or dwelling purposes by other than a janitor employed on the premises.

47. BATCHING PLANT, CONCRETE OR ASPHALT (PERMANENT) - A permanent manufacturing facility for the production of concrete or asphalt.
48. BATCHING PLANT, CONCRETE OR ASPHALT (TEMPORARY) - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
49. BED AND BREAKFAST INN OR FACILITY - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.
50. BILLIARD / POOL FACILITY – Any licensed business premises where there are three (3) or more billiard or pool tables or similar tables, regardless of the fact that they may be coin operated. See Code of Ordinances Section 5.9, as amended.
51. BIOTECHNOLOGY RESEARCH AND APPLICATION – The research, development, and manufacturing of products by using biotechnology primarily for agricultural application; applications also include the production of certain drugs, synthetic hormones, and bulk foodstuffs as well as the bioconversion of organic waste and use of genetically altered bacteria in the cleanup of oil spills.
52. BLOCK - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Municipal Development Department shall determine the outline of the block. The term block also refers to part of the legal description of platted subdivisions which contain one or more lots of record.
53. BOARDING HOME – As defined by State of Texas Health and Safety Code 260 – an establishment that furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services. See International Fire Code, as adopted and amended
54. BOARDING HOUSE – As defined by International Fire Code 2021 – a building arranged for or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. Structure where the occupants are provided sleeping accommodations or meals and accommodations for a fee. The individual rooms used usually do not contain all of the permanent living provisions of a dwelling unit (e.g., permanent cooking facilities). A facility that is primarily for transient occupants. Depending on the extent of transiency, a boarding house could be classified as Group R-1 when an occupant typically stays for not more than 30-days or Group R-2 when the length of stay is greater than 30-days. See International Fire Code, as adopted and amended

- 55. BOAT (MARINE) DEALERSHIP – See “Vehicle Display, Sales, and Service”
- 56. BOOK BINDERY – An establishment that performs post-press services only, such as book or paper bronzing, die-cutting, edging, embossing, folding, gilding, gluing, indexing, etc., and does not perform actual printing operations.
- 57. BOTTLING WORKS – A facility where soda, water, etc., is bottled and packaged for the wholesale market rather than for direct sales.
- 58. BREWPUB – An establishment holding a “brewpub” license issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended, permitting the license holder to manufacture, brew, bottle, can, package, and label malt liquor, ale and beer; sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the license holder, in or from a lawful container, to the extent the sales or offers are allowed under the license holder’s other permits or licenses; which license holder must also hold with another TABC permit or license authorizing on-premises consumption. Total production of malt liquor, ale or beer cannot exceed 10,000 barrels for each licensed brewpub.
- 59. BUILDING - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
- 60. BUILDING HEIGHT - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.
- 61. BUILDING LINE - A line parallel, or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected (see Illustration 38-6).
- 62. BUILDING, MAIN OR PRIMARY - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any separately addressed dwelling shall be deemed to be a main building on the lot on which it is situated.
- 63. BUILDING OFFICIAL - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Codes of the City of Terrell.
- 64. BUILDING SITE - See "Lot" definition.
- 65. BULK GRAIN AND/OR FEED STORAGE – The storage of and the area used for the storage of corn, grain, or other types of food for animals and livestock, excluding commercial feeding pens.

66. BUS STATION OR TERMINAL / TRANSIT CENTER - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
67. BUSINESS SERVICE – An establishment primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming, and software services, and office equipment, sales, rental, leasing, or repair.
68. CAR WASH - Washing, waxing or cleaning of automobiles or light duty trucks.
- a. Attended Car Wash - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.
 - b. Unattended Car Wash - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.
69. CARETAKERS' OR GUARDS' RESIDENCE - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).
70. CARPORT - A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Also called "covered parking area."
71. CAR TITLE LOAN BUSINESS - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes small or short term consumer loans that leverage the equity value of a motor vehicle, boat, or other recreational vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. (described by Ordinance 2658 as definition "290").
72. CEMETERY OR MAUSOLEUM - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
73. CEMETERY, ANIMAL - Same as cemetery except only for the burial of pets or other animals.

74. CERTIFICATE OF OCCUPANCY - An official certificate issued by the City through the Municipal Development Department which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.
75. CHECK CASHING BUSINESS - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that provides check cashing services for an amount of money equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charges for the transaction; or an agreement not to cash a check, or execute an electronic transfer of money for a specified period of time in exchange for a cash advance for a fee; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee. (described by Ordinance 2658 as definition "288").
76. CHILDREN'S HOME – A public institution or house where children and young people live together as a group and are cared for by professional staff.
77. CHURCH / TEMPLE / PLACE OF WORSHIP - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, religious study and other similar activities which occur in a person's primary residence shall not apply to this definition.
78. CHURCH RECTORY / PARSONAGE – A church house provided for a member of the clergy.
79. CIGAR LOUNGE means an establishment that derives more than 50-percent of its quarterly gross revenue from the sale of cigars for consumption on the premises by customers. A cigar lounge does not allow individuals under the age of 21 to enter the premises, and may have a permit or license to sell alcoholic beverages, and serve food for consumption on the premises by customers. See Code of Ordinances, Chapter 7, Section 10 – Smoking Regulations for additional regulations.
80. CITY COUNCIL - The governing body of the City of Terrell, Texas.
81. CITY OF TERRELL - The City of Terrell, Texas; sometimes referred to as the "City".
82. CIVIC / COMMUNITY CENTER (PRIVATE)- A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities privately owned and/or operated by a business, non-governmental agency or private nonprofit agency.
83. CIVIC / COMMUNITY CENTER (PUBLIC)- A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

84. CIVIC CLUB, FRATERNAL ORGANIZATION, LODGE, OR UNION - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.
85. CLEANING PLANT (COMMERCIAL / WHOLESALE) – An establishment providing dry cleaning and/or laundry as a commercial service to smaller shops, pick-up stations or to industry and commercial enterprises such as linen, drapery, and carpet cleaning.
86. CLOTHING MANUFACTURING – See “Manufacturing, General”
87. COLLEGE OR UNIVERSITY - An academic institution of higher learning accredited or recognized by the State and covering a program or series of programs of academic study.
88. COMMERCIAL DAIRY PROCESSING PLANT – See “General Commercial Plant”
89. COMMERCIAL EVENT CENTER – A facility located on private property that primarily functions to provide a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room(s) and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances. Requires Specific Use Permit
- a. A commercial event center shall provide parking at a ratio of one parking space for each two and one-half people allowed on-site and one parking space for each permanent employee.
 - b. A maximum occupancy for buildings on-site shall be determined by the Fire Marshal in accordance with the standards and guidelines set forth with the current adopted edition of the International Fire Code (IFC) and the most recent editions of National Fire Protection Association (NFPA) codes.
 - c. All construction shall be in accordance with commercial construction standards under the Code of Ordinances.
90. COMMERCIAL LAUNDRY / WHOLESALE (DRY CLEANING PLANT) - An industrial facility where fabrics are cleaned with substantially no aqueous organic solvents on a commercial or wholesale basis exceeding 2,500 square feet of floor area.
91. COMMUNITY HOME - A place where not more than six (6) physically or mentally impaired or disabled persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code).
92. COMPREHENSIVE PLAN - A regulatory document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City which may include a Future Land Use Map, Thoroughfare Plan, Park Master Plan, Water

and Sewer Plans, etc. State Law requires all zoning to be in accordance with the Comprehensive Plan.

93. CONGREGATE LIVING FACILITY – A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities. Congregate living facilities are those pertaining to group housing (i.e., dormitories, fraternities, convents) that combine individual sleeping quarters with communal facilities for food, care, sanitation and recreation. The number of occupants in the facility determines the appropriate occupancy classification. There are two thresholds: 10 and 16. A congregate living facility with 16 or fewer nontransient residents falls in the R-3 classification. For more than 16 nontransient residents, the classification is R-2. For transient residents, if there are 10 or fewer in the facility, it is also in the R-3 classification. If over 10 transient residents, it is an R-1 occupancy. See International Fire Code, as adopted and amended
94. CONSIGNMENT SHOP/RE-SALE SHOP (also THRIFT STORE) - See “Used Merchandise Store”.
95. CONSTRUCTION YARD OR FIELD OFFICE (TEMPORARY) - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Municipal Development Department and shall be subject to review and renewal for reasonable cause.
96. CONTINUING CARE RETIREMENT COMMUNITY - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
97. CONTRACTOR SHOP AND / OR STORAGE YARD - A building, part of a building, or land area for the storage of materials, equipment, tools, products, and vehicles that are then transported off site for the performance of maintenance, repairs, installation, assembly or construction by various tradesmen.
98. CONTRACTOR SUPPLY WAREHOUSE – See “Warehouse Distribution Center”
99. CONTRACTOR TEMPORARY ON-SITE CONSTRUCTION OFFICE (ONLY WITH PERMIT) – A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Municipal Development Department and shall be subject to review and renewal for reasonable cause.
100. CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

101. CONVENTION / CONFERENCE CENTER (PRIVATE) – See “Commercial Event Center”.
102. CONVENTION / CONFERENCE CENTER (PUBLIC) – A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.-
103. COTTAGE INDUSTRY. The handcrafting of specialty products crafted in a small-scale setting with custom elements in an individual or small batch production process with a direct to consumer retail sales front and access by consumers to the production process. This does not include businesses that require specialty environmental permits from State or Federal agencies. This does include limited machine applications to customize products. Must meet the requirements of Section 41.2.E.
104. COUNTRY CLUB (PRIVATE) - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
105. COURTYARD - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
106. COVERAGE - The percentage of lot area covered by all buildings located thereon, including the area covered by all overhanging roofs, impervious coverage includes all paved surfaces in addition to the structures (see District regulations for coverage limits)
107. CUSTODIAL CARE FACILITY – Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes persons receiving care who have the ability to respond to emergency situations and evacuate at a slower rate and/or who have mental and psychiatric complications.
108. DANCE HALL - An establishment open to the general public for dancing (any sales of alcoholic beverages for on premise consumption shall be subject to requirements and use restrictions for private clubs -- see definition for “Private Club” (also see Chapter 5, Section 9 of the City’s Code of Ordinances).
109. DATA CENTER – A building or group of buildings primarily used to house computers and/or related equipment for the purpose of collection, processing, storage or retrieval of data.
110. DAY CAMP FOR CHILDREN - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
111. DAY CARE CENTER (OR CHILD NURSERY) – A commercial institution or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24-hours a day.

112. DENSITY - The total number of residential dwelling units allowed upon a given tract of land usually expressed in total number of units per gross acre.
113. DESIGN TRANSFER MANUFACTURING & WHOLESALE SHOPS – See “Manufacturing, General”
114. DETACHED - Having no physical connection above the top of the floor line of the first floor with any other building or structure.
115. DISTILLERY – An establishment holding a “Distiller’s and Rectifiers Permit” issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended.
116. DISTRIBUTION CENTER – See “Warehouse Distribution Center”
117. DOCTORS OFFICE or DENTAL OFFICE – See “Medical Office / Clinic”.
118. DRAINAGE - Adequate provision for drainage shall be made to drain storm water into the City’s man-made or natural drainage systems, in accordance to the City’s and State’s regulations pertaining to same.
119. DRIVING RANGE – An area used for hitting golf balls; may include an indoor management office.
120. DRY CLEANING SHOP OR LAUNDRY – A retail custom cleaning shop not exceeding 2,500 square feet of floor area which may include drive-up service but no self-service.
121. DUPLEX (TWO-FAMILY DWELLING) – Two attached dwelling units in one structure that are divided by a property line centered on the common wall with each unit located on its own platted lot, each designed to be occupied by one family.
122. DWELLING (ACCESSORY) – A separate secondary residential structure located on the same lot as a single-family main/primary building but not attached to the main building, sometimes known as a mother-in-law’s quarters. An accessory dwelling shall not be sold, rented, leased, let, or hired out separately from the main/primary residential structure and shall only be occupied by members of the same family occupying the main/primary residential building. (see “Family” definition)
123. DWELLING (MULTI-FAMILY) – A main/primary residential building or buildings in which three or more dwelling units are located on the same platted lot of record that is used, intended, or designed to be built, used, owned, rented, leased, let or hired out to be occupied for living purposes by a single family in each dwelling unit. (see “Family” definition)
124. DWELLING (SINGLE-FAMILY) – A main/primary residential building located on a separate platted lot of record that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes by a single family. (see “Family” definition)

125. DWELLING SIZE / AREA - The total square footage of a dwelling unit, including only the livable (i.e., air-conditioned) space within the home (i.e., not the garage, accessory buildings, etc.).
126. DWELLING UNIT- A single unit (structure or portion thereof) providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. (see "Family" definition)
127. EASEMENT - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
128. EDUCATIONAL FACILITIES - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; a professional licensing/certification agency or trade, or such federally funded educational programs for preschool children as the Head Start Program.
129. ELECTRICAL GENERATING PLANT – A facility that generates electric energy for compensation
130. ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER) - A subsidiary station in which electric current is transformed.
131. ELECTRICAL TRANSMISSION LINE (TOWERS) – tall structure that supports high-voltage power lines that transport electricity over long distances; usually a lattice tower made of steel that is used to support an overhead power line.
132. ELECTRONIC SALES / SERVICE (COMPUTERS, ENTERTAINMENT OR TELEPHONES) – See "Retail Store / Shop"
133. ENCLOSED BUILDING - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air. Includes an enclosed garage.
134. ENGINE REPAIR / MOTOR MANUFACTURING / RE-MANUFACTURING AND/OR REPAIR – See "Manufacturing, General)
135. EXTERMINATOR SERVICE / PEST CONTROL – A commercial enterprise licensed by the State of Texas to engage in the eradication of insects and vermin.
136. FAIR / RODEO GROUNDS OR EXHIBITION AREA - An area or space either outside or within a building for the display of topic-specific goods or information.
137. FAMILY - One or more persons related by blood, affinity (marriage), or adoption to the second degree of consanguinity; or a group not to exceed six (6) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit. The definition of the second degree of consanguinity for the purpose of defining a single family is spouse, siblings, parents,

grandparents, children, or grandchildren in accordance with Chapter 573 of the Texas Government Code.

- 138. FAMILY HOME (Child Care in Place of Residence) - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
- 139. FARM, GARDEN, CROPS OR ORCHARD - An area used for growing farm products, vegetables, fruits, trees, and grain and for the raising thereon of farm animals such as horses, cattle, and sheep. May also include the necessary accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of offal or garbage to swine or other animals. Also does not include any type of agriculture or husbandry specifically prohibited by ordinance or law.
- 140. FARM, GENERAL (LIVESTOCK / RANCH) – A large farm, where cattle or other animals are bred and raised. May also include the necessary accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of garbage to swine or other animals.
- 141. FEED, GRAIN OR FARM SUPPLY RETAIL, STORE - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
- 142. FIRE STATION – See “Municipal Facility or Use”
- 143. FLOOD PLAIN - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Terrell.
- 144. FLOOR AREA - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
- 145. FLOOR AREA RATIO (FAR) - The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 38-5).
- 146. FLORIST SHOP - An establishment for the display and retail sale of flowers, small plants and accessories.
- 147. FOOD PROCESSING - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for

human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

- 148. FOOD STORE/ GROCERY STORE - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.
- 149. FRANCHISED PRIVATE UTILITY (NOT LISTED) - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Terrell.
- 150. FRONT YARD - See "Yard, Front".
- 151. FUNERAL HOME OR MORTUARY - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
- 152. FURNITURE UPHOLSTERY / REPAIR – An establishment for the repair and reconditioning of furniture and soft coverings for furniture.
- 153. GARAGE, PRIVATE - An enclosed accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space." A garage must be a minimum of twenty-one feet (21') by twenty-one feet (21').
- 154. GAS TRANSMISSION LINE (REGULATING STATION – line placement stations located along pipeline to reduce the pressure of the gas to the appropriate operating pressure for each system.
- 155. GASOLINE SERVICE STATION - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.
- 156. GENERAL COMMERCIAL PLANT - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
- 157. GENERAL MANUFACTURING - See "Industrial, Manufacturing".
- 158. GENERAL MERCHANDISE (DRY GOODS) – A retail store which sells several lines of merchandise including, but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware and food, such as a department store, variety store, general merchandise store, general store, etc.

159. GOLF COURSE - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
160. GOVERNMENTAL OFFICE BUILDING OR USE (CITY, COUNTY, STATE OR FEDERAL) - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: Kaufman County, the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Terrell is defined as "Municipal Facility or Use", including City Hall, Courts, Libraries, Fire Stations or Police Stations, etc.
161. GRAVESTONE / TOMBSTONE SALES – See "Retail Store / Shop"
162. GREENHOUSE (NON-RETAIL / HOBBY) – An establishment for the cultivation and propagation, display, storage of live trees, shrubs or plants for personal use; not for resale.
163. GROUP HOME - A dwelling unit which provides residence and care to not more than six (6) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.
164. GUN RANGE (INDOOR) – A facility with for practice and competition with firearms meeting the safety requirements of the National Shooting Sports Association.
165. GUN RANGE (OUTDOOR) - A facility with all firing areas 300 feet from a property line so configured than no projectile may reach an area within 300 feet of a property line
166. HAY, GRAIN, AND/OR FEED SALES (WHOLESALE) – An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock, including implements and good related to agricultural processes.
167. HEALTH CLUB / PHYSICAL FITNESS (INDOORS ONLY) – An establishment operated to promote physical health and fitness, activities including exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses of facility would typically include, but are not limited to game courts, weight lifting, exercise equipment, aerobics, swimming pools and spas, and running or jogging trails.
168. HEATING AND AIR CONDITIONING SALES / SERVICE – See "Business Service"
169. HEAVY LOAD VEHICLE - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles more than thirty-five feet (35') in length (originally manufactured as RVs,

not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

170. HEAVY EQUIPMENT RENTAL OR LEASING – A building or open area used for the display, rental or leasing of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
171. HEAVY EQUIPMENT SALES AND SERVICE - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit. Equipment, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.
172. HELIPORT - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.
173. HELISTOP/HELIPAD - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
174. HOME-BASED BUSINESS - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 41). If the activity involves any more than extremely rare and incidental visits from customers, clients, employees, contractors, or others to visit the premise, it is not a home occupation.
175. HOMELESS CENTER - Any facility that provides any one or more of the following supportive services for indigent or near indigent individuals and/or families with no regular, secure, independent residential address of their own. Supportive services include, but are not limited to: clothing; overnight lodging; provision of food, meals or beverages; financial advice or assistance; assistance in re-establishing various governmental documents and welfare, disability or other governmental benefits; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of, or refraining from, the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; showers; clothes laundering, restrooms and other personal care services and child care. Facilities providing such support services on an occasional, temporary or intermittent basis as an accessory use to another primary use shall not be defined as homeless centers. However when such accessory use exceeds either 7 consecutive days or 14 total days in a calendar year, then the facility shall be required to obtain zoning approval and a certificate of occupancy for a homeless center specifically identifying the supportive uses to be provided, the staff or volunteer ratio, the skill/ training level of staff, the operating hours and days and the numbers of clients to be served.
176. HOOKAH BAR means an establishment with a permit or license to sell alcoholic beverages pursuant to the Texas Alcoholic Beverage Code and: (a) generates 60 percent or more of its quarterly gross revenue from the sale of alcoholic beverages for consumption on the premises by customers; (b) generates 30 percent or more of its quarterly gross revenue from the sale

of shisha for consumption on the premises by customers and the sale of accessories used for smoking shisha (not any other tobacco products); and (c) does not allow individuals under the age of 21 to enter the premises. See Code of Ordinances, Chapter 7, Section 10 – Smoking Regulations for additional regulations.

177. HOSPITAL (Acute Care/Chronic Care) - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities. Any facility with an emergency room and any facility performing outpatient day surgery in a facility designed to accommodate overnight admissions of patients with complications from day surgery. All such facilities must provide a current license from the state of Texas to receive and maintain a certificate of occupancy.
178. HOTEL/LODGE - DOWNTOWN: Shall mean an establishment located in the CBD zone for the lodging and entertaining of travelers limited to a maximum of twenty rooms, with a minimum floor area of 280 square feet per room. Access to guestrooms shall be restricted exclusively to interior corridors that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security- controlled access system. The building must be designed to have special architectural features that demonstrate adherence to the Historic Architectural Style Guide on file in the office of the Municipal Development Department or the website of the City of Terrell, Texas.
179. HOTEL / MOTEL– A building or group of buildings designed for and occupied as a temporary dwelling place (stays of 14 days or less unless contracted with an employer). Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal services shops. A full-service hotel shall also include the six design elements below.
- Minimum room count of 100 rooms, 4 stories
 - The average size of each guestroom shall have a minimum area of 280 square feet.
 - A limited service restaurant which provides service to guests and /or the general public.
 - On site staff required 24 hours a day, seven days a week.
 - A minimum of 2000 square feet of meeting or conference room space.
 - Swimming pool with a minimum area of 1,000 square feet.
180. HOTEL, EXTENDED STAY – A building or group of buildings designed for and occupied as a temporary dwelling place (stays ranging from 6- 28 days unless contracted with an employer). Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security- controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal services shops. A full-service extended hotel shall also include the six design elements below.
- Minimum room count of 60 rooms, 3 stories

- The average size of each guestroom shall have a minimum area of 280 square feet.
 - A limited- service restaurant and/or kitchenettes for at least 50% of the rooms.
 - On site staff required 24 hours a day, seven days a week.
 - Full-service laundry room onsite for guest only.
 - Swimming pool with a minimum area of 1,000 square feet.
181. HVAC EQUIPMENT MANUFACTURING – See “Manufacturing, General”
182. LOFTS: Dwelling unit consisting of single room or series of rooms, which is attached but secondary to a main structure that is used for retail use; and is located above the first floor of the structure. A loft cannot exceed the square footage of the non-residential portion.
183. INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than twenty percent (20%) of the building or space occupied by the primary use.
184. INDEPENDENT LIVING CENTER FOR ELDERLY / SENIORS – See “Retirement Community”.
185. INDUSTRIAL, GENERAL – Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer. Heavy industrial manufacturing or processing (smoke-stack industries) that produce explosion hazards, hazardous by-products or emissions are prohibited within the corporate city limits.
186. INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.
187. ITINERANT VENDORS / VENDING - A person or operation that offers merchandise, art or food items, produce, publications and/or services from a temporary (i.e., not permanent) stand, cart, trailer, truck or other type of vehicle that is placed or parked on a piece of property for any period of time (as differentiated from a “peddler” or “solicitor” who is mobile and who goes from place to place to sell goods or services). (Also see Chapter 5, Section 5-6 of the City Code of Ordinances).
188. JEWELRY MANUFACTURING OR ASSEMBLY – See “Light Manufacturing or Industrial Use”
189. KENNELS (INDOOR) - An establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
190. KENNELS (OUTDOOR) - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

191. KINDERGARTEN SCHOOL (PRIVATE) - An establishment where more than three (3) children over the age of five (5) are housed for care and/or educational training during the day or portion thereof.
192. KIOSK - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred fifty (150) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty (50) square feet.
193. KITCHEN, RESIDENTIAL - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, refrigerator, and/or microwave oven) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).
194. LABORATORY EQUIPMENT MANUFACTURING - A facility that makes or produces equipment or products used for research or testing.
195. LABORATORY, SCIENTIFIC OR RESEARCH - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").
196. LANDSCAPING - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
197. LAUNDROMAT (OR SELF-SERVE WASHATERIA) - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in coin operated machines that are operated by the patron.
198. LIBRARY (PUBLIC) – See "Municipal Facility or Use"
199. LIGHT EQUIPMENT SALES OR SERVICE - Shop for the repair of small / light equipment, i.e., lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
200. LIGHT LOAD VEHICLE - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-five [35] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
201. LIGHT MANUFACTURING OR INDUSTRIAL USE - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and

- packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.
202. LIMOSINE / TAXI SERVICE – A pre-booked hire car with a driver.
203. LIQUOR PACKAGE STORES – A store that sells bottled or canned alcoholic beverages for consumption off the premises; all TABC laws and licensing is required.
204. LIVE / WORK UNITS – Street level units that are permitted in certain districts which are intended for the resident to operate a home based business or which use accommodates a later transition into small business entities such as professional offices, etc. without major structural renovations being required. They may also be defined as small ground floor retail, office, or service uses with the proprietors, owners or employees living in residential units in part on the ground floor or wholly above the ground floor. Public access is typically from the street frontages and private access to the residential units may be from the side or the rear of the buildings. Front entry shall be ADA compliant for a non-residential use.
205. LIVESTOCK SALES (WHOLESALE) – A commercial establishment where livestock are collected for sale or auction.
206. LOADING SPACE - An off-street space or berth used for the delivery and loading/unloading of vehicles.
207. LOCAL UTILITY LINE - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
208. LOCKSMITH / SECURITY COMPANY – An establishment who sells, installs, or maintains locks and mechanical security devices, and advertises locksmith services.
209. LODGING HOUSE – A Group R-3 occupancy where there are five or fewer guestrooms. This definition provides a distinction from Group R-1 (Boarding House) occupancies where the occupants are expected to be transient. A lodging house has one or more occupants who are permanent; this is their home. See International Fire Code, as adopted and amended
210. LOFT – An apartment unit with open space and few interior walls; typically in buildings originally built for commercial, manufacturing, or warehouse use; often feature big, open spaces.
211. LOT - A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is owned by a single entity and is intended to be used, developed or built upon as a unit, which has access to a public street. Portions of a lot may not be sold or subdivided without prior approval of a plat by the city. A lot number is part of the legal description assigned to every parcel or tract of land that has been legally subdivided and platted. (See Illustrations 38-6, 38-7, and 38-8)
212. LOT AREA - The total area, measured on a horizontal plane, included within lot lines.

- 213. LOT, CORNER - A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 38-1).
- 214. LOT DEPTH - The mean horizontal distance between the front and rear lot lines. (See Illustration 38-7).
- 215. LOT, DOUBLE FRONTAGE - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.
- 216. LOT, FLAG - A lot having access to a street by means of a narrow strip of land generally having a width at the rear of the lot that is much greater than its frontage, but not less than thirty (30) feet. Flag, or panhandle, lots are typically discouraged.
- 217. LOT, INTERIOR - A lot other than a corner lot.
- 218. LOT FRONTAGE - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.
- 219. LOT, KEY - A corner lot whose exterior side is adjacent to the front yard of another lot, a front yard setback shall be observed for both street frontages.
- 220. LOT LINE, FRONT - The property line connecting the foremost points of the side lot lines running parallel with and abutting the street right-of-way line. (See Illustration 38-6). For a lot which has a boundary line which does not abut the front street line such as a flag lot that is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 38-3).
- 221. LOT LINES OR PROPERTY LINES - The lines bounding a lot as defined herein.
- 222. LOT LINE, REAR - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 38-8).
- 223. LOT LINE, SIDE - Any lot line not the front or rear lot line.
- 224. LOT OF RECORD - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Kaufman County.
- 225. LOT WIDTH - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 38-6).
- 226. MACHINE SHOP – See “Light Manufacturing or Industrial Use”

227. MAILING SERVICE (PRIVATE) – See “Business Service”
228. MAIN/PRIMARY BUILDING - The building or buildings on a lot which are occupied by the primary use.
229. MAINTENANCE & REPAIR SERVICE FOR BUILDINGS – An establishment that restores and maintains equipment, machinery, and other products, also providing general routine maintenance. See also “Light Manufacturing or Industrial Use”
230. MANUFACTURED HOME DISPLAY OR SALES (NEW) - The offering for sale, storage, or display of new manufactured housing units (e.g., HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
231. MANUFACTURED HOME DISPLAY OR SALES (USED) - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
232. MANUFACTURED HOME PARK/SUBDIVISION - A parcel of land not less than five (5) acres nor greater than fifteen (15) acres which is designed, improved, or intended to be used for permanent occupancy by HUD-code manufactured homes or Modular homes on individually platted lots. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
233. MANUFACTURED HOUSING - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:
- a. Mobile Home - A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. No new or used “mobile homes” shall be moved into the city and placed on any lot for any purpose.
 - b. HUD-Code Manufactured Home - A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (V.A.C.S. Art. 5221f), transportable in one or more sections, which, in the traveling mode, is twelve (12) feet or more in body width and forty (40) feet or more in body length, or, when erected on site, is a minimum of twelve hundred

(1,200) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation (HUD 7584) when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle, as that term is defined herein and by 24 C.F.R., Section 8282.8(g).

- c. Industrialized Home (also called Modular Prefabricated Structure or Modular Home) - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of three (3) stories or forty-nine (49) feet in height, as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to: (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.
- 234. MANUFACTURING, GENERAL – Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than direct sale to the domestic consumer. Heavy industrial manufacturing or processing (smoke-stack industries) that produce explosion hazards, hazardous by-products or emissions are prohibited within the corporate city limits.
 - 235. MARKET (PUBLIC, FLEA, PRODUCE, ETC.) – A designated location used for a recurring events at which a majority of the vendors are farmers or other food producers who sell food directly to consumers
 - 236. MARTIAL ARTS SCHOOL / DANCE STUDIO – See “Performing Arts Studio”
 - 237. MASONRY CONSTRUCTION – (See Section 37)
 - 238. MESSAGE ESTABLISHMENT - Any place of business in which massage therapy is practiced by a massage therapist, as defined in the Texas State Occupations Code Chapter 455 and licensed in accordance with State Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration,

friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

- 239. MEDICAL APPLIANCE MANUFACTURING OR ASSEMBY – See “Manufacturing, General”
- 240. MEDICAL OFFICE / CLINIC (DOCTOR, DENTIST, OPTICIAN, OR OTHER OUTPATIENT) - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- 241. MEDICAL LABORATORY - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
- 242. MEDICAL TECHNOLOGY RESEARCH AND APPLICATION – See “Research and Development Center / Laboratory”
- 243. MENTAL HEALTH RESEARCH, ASSESSMENT, TREATMENT, AND RECOVERY – See “Institution for Alcoholic, Narcotic, or Psychiatric Patients”
- 244. MICRO-BREWERY – See “Manufacturing, General”; Chapter 5, Section 5.2 of the Code of Ordinances, as amended.
- 245. MINERAL EXTRACTION (INCLUDING GAS, OIL, COAL) – The moving, sorting, breaking, beneficiation, storage or compounding of mineral resources. Processing includes the cleaning, mixing, sorting, washing, and other processing of extracted material, including but not limited to cement mixing. Processing does not include the manufacturing of asphalt, the retail, wholesale or contractual purchase, sale or transfer of mineral products. The leveling, grading, filling or removal of materials during normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mineral processing operation.
- 246. MIXED USE RESIDENTIAL –see “Live/Work Units”
- 247. MOBILE FOOD UNIT – A mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck / trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.
- 248. MOBILE FOOD VENDOR COURT – Means one or more lots or parcels of land where three or more Mobile Food Units congregate to offer food or beverages for sale to the public as the principal use of the land. See Zoning Ordinance, Section 42.12.

249. MODEL HOME - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.
250. MOTEL - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally fourteen (14) days or less) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
251. MOTEL OR HOTEL, EXTENDED STAY - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally longer than 14 days) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
252. MOTORCYCLE - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.
253. MOTOR FREIGHT COMPANY - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.
254. MOTORCYCLE / ALL TERRAIN SALES AND REPAIR – See “Vehicle Display, Sales, and Service
255. MOTOR VEHICLE - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
256. MOVING AND STORAGE COMPANY – See “Storage or Wholesale Warehouse”
257. MULTI-FAMILY RESIDENTIAL – A main/primary residential building or buildings in which three or more dwelling units are located on the same platted lot of record that is used, intended, or designed to be built, used, owned, rented, leased, let or hired out to be occupied for living purposes by a single family in each dwelling unit. (see “Family” definition)
258. MUNICIPAL FACILITY OR USE - Any area, land, building, structure and/or facility (including a park, plaza, swimming pool, tennis court, maintenance building, etc.) which is owned, used, leased or operated by the City of Terrell, Texas.
259. NONCONFORMING USE/STRUCTURE - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

260. NON-PROFIT ACTIVITY BY CHURCH - An activity such as, but not limited to, a rummage sale, bake sale, fundraising event, charitable function, etc. that is clearly in furtherance of the religious institution's tax-exempt (i.e., non-profit) purpose. An activity that is intended to generate money for profit for the institution does not qualify as a non-profit activity by a church.
261. NON-PROFIT ORGANIZATION – A legal entity that is operated for a public or social benefit, rather than generate a profit for its owners.
262. NURSERY / GARDEN CENTER (RETAIL) - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.
263. NURSERY (WHOLESALE)- An facility (wholesale or retail), that may include buildings and/or greenhouses or open spaces, for the propagation, production and growth of plants, shrubs, trees, for display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
264. NURSING HOME (also termed CONVALESCENT HOME or LONG-TERM CARE FACILITY) - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
265. OCCUPANCY - The use or intended use of the land or buildings by proprietors or tenants.
266. OFFICE, (GENERAL BUSINESS OR PROFESSIONAL) - A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.
267. OFFICE CENTER - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.
268. OFFICE SHOWROOM/WAREHOUSE - A retail/wholesale establishment which combines a storage and warehousing area which is not accessible to the general public with retail and wholesale sales areas, sales offices, and display areas that is accessible to the general public for products sold and distributed from the storage and warehousing areas.
269. ON-STREET PARKING – The available parking spaces for vehicles on a street within a designated area.
270. ORPHANAGE – See “Children’s Home”

- 271. OUTSIDE DISPLAY – See “Temporary Outside Retail Sales”.
- 272. OUTSIDE STORAGE (also “Open Storage”)- The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours (i.e., overnight).
- 273. PAINT SHOP - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").
- 274. PAPER MANUFACTURING – See “Manufacturing, General”
- 275. PARCEL - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").
- 276. PARK OR PLAYGROUND / RECREATION FACILITY (PRIVATE) - See "Private Recreation Facility".
- 277. PARK OR PLAYGROUND / RECREATION FACILITY (PUBLIC) - See "Public Recreation Facility".
- 278. PARKING LOT - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Terrell parking lot standards, for the short- or long-term storage of motor vehicles.
- 279. PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO) - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.
- 280. PARKING SPACE - An off-street (i.e., not on a public street or alley) area, paved in accordance with City of Terrell parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street. Required parking spaces may not be used for outside storage, displays or accessory structures. Offsite parking that is used to satisfy the minimum parking standards must have written permission of the property owner and must be within two hundred feet (200') of the site it is serving. Each use in a combined or shared parking lot, such as a shopping center, must each meet the minimum standards for its own parking requirement (i.e. a parking space cannot be counted towards the requirement for separate uses)
- 281. PATIO HOME (ZERO-LOT-LINE DWELLING) - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 20).
- 282. PAWN SHOP - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-

owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

- 283. PAYDAY ADVANCE/LOAN BUSINESS - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes payday cash advances, payroll cash advances, short term cash loans, instant loans, or other short term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debt is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount. (Described by Ordinance 2658 as definition "289").
- 284. PERFORMING ARTS STUDIO – DANCE / DRAMA / MUSIC SCHOOLS – See "School, Business"
- 285. PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES - Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, reducing salons, dressmaking, shoe shining and repair, nail salon, tailor or seamstress services, and other similar types of uses (no outside storage) that are not otherwise defined specifically herein.
- 286. PET ADOPTION / HUMANE SOCIETY – A facility that provides temporary homes for stray, surrendered or abandoned pet animals in an enclosed building and in outside pens or runs enclosed by a permanent type of fencing.
- 287. PET SHOP AND ANIMAL GROOMING – A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.
- 288. PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.
- 289. PHARMACEUTICAL DEVELOPMENT AND MEDICINE MANUFACTURING – See "Manufacturing, General"
- 290. PHARMACY – A place where medicines are compounded or dispensed.
- 291. PHONE EXCHANGE / SWITCHING STATION - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.
- 292. PHOTOCOPY / PRINT SHOP – See "Business Service"

293. PHYSICAL HEALTH RESEARCH, TREATMENT, SURGERY, AND REHABILITATION
294. PLANNED DEVELOPMENT DISTRICT - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.
295. PLANNING AND ZONING COMMISSION - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."
296. PLAT - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Terrell, and which is approved by the City of Terrell and recorded in the plat records of Kaufman County.
297. PLATTED LOT - See "Lot" and "Lot of Record".
298. PLAYFIELD OR STADIUM (PUBLIC) - An athletic field or stadium owned and operated by a public agency (e.g., City of Terrell, the School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
299. PLAYFIELD OR STADIUM (PRIVATE) - An athletic field or stadium owned and operated by an agency other than the City of Terrell or the School District.
300. PLAYHOUSE THEATRE – A theater that hosts live dramatic performances.
301. POLICE STATION – See “Municipal Facility or Use”
302. PORCH – A porch is an outdoor covered area, generally on the front façade of the house that provides an area for sitting, for outdoor dining, for interacting with neighbors and for providing shade from heat and protection from rain so that the persons dwelling in the structure can easily step outside and enjoy a private area to view the surrounding streetscape. Unless otherwise allowed by the Municipal Development Director, the minimum depth of a porch is 5 feet (5'). A porch is different from an entry alcove or an architectural overhang feature because it provides a safety/security function for those in the dwelling unit. In order to perform a security function and provide this view of the surrounding street, all or most of the porch shall be outside the main support walls of the building. No portion of an entry alcove shall count as part of the total square footage calculation of a porch. However, a porch should always include access from the front door to the sidewalk or street. As such every part of the porch beyond the main support walls may by right enter the front yard, setback or side yard.

- 303. PORTABLE BUILDING SALES - An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured homes. Such display is wholly or partially out of doors.
- 304. POST OFFICE (GOVERNMENTAL – See “Governmental Building or Use”
- 305. PREMISES - Land together with any buildings or structures situated thereon, same as “LOT”.
- 306. PRIMARY USE - The principal or predominant use of any lot or building.
- 307. PRIVATE ACCESS - Access to a property, other than from a dedicated street, which is approved by the City of Terrell.
- 308. PRIVATE CLUB - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. (Also see Chapter 5, Section 2 of the City's Code of Ordinances.)
- 309. PRIVATE PARTY RENTAL FACILITY – See “Commercial Event Center”
- 310. PRODUCE STAND - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, typically from a non-permanent structure. No cooking or on-premises consumption of produce occurs on the site. All seasonal sales vendors must have a valid operating permit issued by the City.
- 311. PROFESSIONAL SERVICE - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
- 312. PROFESSIONAL, SCIENTIFIC, TECHNICAL SERVICES, AND EMERGING TECHNOLOGIES -
- 313. PROPANE SALES - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
- 314. PUBLIC GARAGE / PARKING STRUCTURE – Any building or structure where four (4) or more automobiles or other motor driven vehicles are stored or parked for compensation.
- 315. PUBLIC HEALTH CENTER - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- 316. PUBLIC RECREATION - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos,

concerts, festivals and other special events requiring special event permits, as set forth in the City of Terrell's Code of Ordinances.

- 317. PUBLIC VIEW - Public view means areas that can be seen from any public street.
- 318. QUADRIplex DWELLING – Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.
- 319. QUICK LUBE / OIL CHANGE / MINOR INSPECTIONS – See “Automobile Repair, Minor”
- 320. RADIO / TELEVISION TOWER (COMMERCIAL – STAND ALONE) – See Section 38.5
- 321. RAILROAD YARD – A network of tracks in a rail network that is used for storing, sorting, loading, and unloading locomotives and rail vehicles.
- 322. REAR YARD - See "Yard, Rear".
- 323. RECREATION/COMMUNITY CENTER - A public or private facility designed and equipped for the conduct of sports, special events, leisure time activities, and other customary and usual recreational activities.
- 324. RECREATION FACILITY OR PARK (PRIVATE) - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
- 325. RECREATIONAL VEHICLE (RV) - A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also "Heavy Load Vehicle").
- 326. RECREATIONAL VEHICLE DEARSHIP (RV'S, CAMPERS, ETC.)
- 327. RECYCLING/DONATION BINS OR RECEPTACLES - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., bin, box, receptacle, "igloo" or dumpster-type container) which provides a self-service location for the depositing of donated materials, non-liquid recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers, containers owned and operated by the business tenant or owner, or manned collection centers.
- 328. REHABILITATION CARE FACILITY/INSTITUTION- A facility which provides residence and care to seven (7) or more persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

329. RESEARCH & DEVELOPMENT CENTER / LABORATORY (SCIENTIFIC AND INDUSTRIAL) - Facilities for research include laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
330. RESIDENCE - Same as a dwelling unit; also, when used with district, an area of residential regulations.
331. RESIDENCE HOTELS - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.
332. RESIDENTIAL DISTRICT - District where the primary purpose is residential use.
333. RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH OR DRIVE-IN SERVICE) - An eating establishment where vehicular traffic is primary to their business which may have indoor dining facilities as well as drive-in service where customers consume food in their vehicle including drive-through windows for pickup of food for off premise consumption.
334. RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE) - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.
335. RETAIL OR SERVICE, INCIDENTAL - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than twenty percent (20%) of the building or space that is occupied by the principal use.
336. RETAIL STORE/SHOP (FOR DRY GOODS) - This major group includes retail stores which sell any number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, building materials, small wares, electronics, appliances, hardware, but not food or alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, home improvement centers, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).
337. RETAIL STORE/SHOP (FOR FOOD or ALCOHOLIC BEVERAGES) This major group includes retail stores which sell any number of lines of primarily food products including but not limited to prepared foods, can goods, fresh produce, dairy products, bakery products, meat products, delicatessen, or alcoholic and non-alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as grocery stores, food stores,

convenience stores, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).

- 338. RETIREMENT COMMUNITY (CONTINUING CARE) - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.
- 339. RETIREMENT HOME / HOME FOR THE AGED – A facility designed to provide a full range of accommodations for older adults (55 years of age or older); including assisted living and skilled full-time nursing or medical care.
- 340. ROOM - A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
- 341. RECREATIONAL VEHICLE/CAMPER SALES AND LEASING - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.
- 342. RECREATIONAL VEHICLE (RV) PARK - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.
- 343. SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD) - The reclamation and storage of used products or materials.
- 344. SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE - The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.
- 345. SANITARIUM - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- 346. SCHOOL, BUSINESS - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.
- 347. SCHOOL, COMMERCIAL TRADE - A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
- 348. SCHOOL, PRIVATE (PRIMARY OR SECONDARY) - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

349. SCHOOL, PUBLIC OR PAROCHIAL - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.
350. SCHOOL, VOCATIONAL (BUSINESS / COMMERCIAL TRADE) - A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
351. SCREENING - Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature. Dumpsters, outside storage and loading docks must be screened from view from a public roadway in addition to screen walls that are required to be erected between nonresidential uses and residential uses unless specifically exempted by this ordinance.
352. SEASONAL USES/ITEMS – Temporary seasonal uses include the sales of items such as Christmas trees, holiday decorations, pumpkins, snow cones, fresh produce, spring planting materials, and other items which are typically only available or marketed at certain times of the year in a non-permanent setting (i.e., includes itinerant vendors).
353. SECURITY SYSTEMS INSTALLATION AND MONITORING COMPANY – A service provider that offers security solutions to protect a business from a variety of threats, providing 24/7 monitoring from professionally staffed monitoring center.
354. SELF STORAGE FACILITY/MINI-WAREHOUSE - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.
355. SERVANT'S QUARTERS OR GUEST HOUSE - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.
356. SEWAGE LIFT / PUMPING STATION – A pumping station that moves wastewater from a lower elevation to a higher elevation.
357. SEXUALLY ORIENTED BUSINESS - See Chapter 5, Section 14 of the City's Code of Ordinances.
358. SHELTER DAY USE - A temporary non-residential facility that provides intermittent safe shelter and incidental services for homeless persons and/or families; for day use only.
359. SHELTER OVER NIGHT USE - A temporary residential facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless that provides overnight accommodations and incidental services for homeless persons and/or families on a short-term basis. Includes 35-60 SF per bed, bathroom, kitchen, and on-site staff. Not for day use.

360. SHOPPING CENTER - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
361. SIDE YARD - See "Yard, Side".
362. SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE) - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
363. SIGN MANUFACTURING – See “Manufacturing, General”
364. SIGN SHOP – See “Retail Store / Shop”
365. SINGLE-FAMILY DWELLING, DETACHED - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.
366. SMALL ENGINE REPAIR, INDOOR – The process of inspecting, maintaining, and repairing small engines that power outdoor equipment and vehicles; typically less than 15 horsepower.
367. SMART CODE, Version 9.2 - The SMART Code, Version 9.2 is an established published international standard for sustainable development that is based on the model of hundreds of successful, thriving towns that preserves the character of small town neighborhoods through design elements which promote pedestrian friendly walkable development, with strict guidelines which control building placement and architecture, sidewalk and street layout, parking lot design, and landscaping.
368. SMOKE SHOP - A retail establishment in which tobacco or tobacco derivatives, electronic cigarettes, smoking devices, pipes, accessories, associated products, paraphernalia, liquid products containing nicotine, flavors or other substances intended for use in electronic cigarettes. Definition includes smoke shops, cigar stores, cigarette stores, head shops, vapor shops, etc. which are restricted to persons 21 years of age or older.
369. SPECIAL EVENT / VENUE – See “Commercial Event Center”
370. SPECIAL EVENTS (CARNIVAL, CIRCUS, FESTIVAL, OR TENT SERVICE - TEMPORARY) - Outdoor or indoor private or public amusement provided on a temporary basis (subject to requirements and use restrictions for Special Event Permits issued by the Police Dept.).
371. STABLE, COMMERCIAL - A stable used for the rental of stall space or for the sale or rental of horses or mules.

372. STABLE, PRIVATE - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.
373. STORAGE OR WHOLESALE WAREHOUSE - A building used primarily for the storage of goods and materials.
374. STONE / CLAY / GLASS MANUFACTURING – See “Manufacturing, General”
375. STORY - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from a point representing the average slope from front to back (or side to side) of the building.
376. STORY, HALF - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
377. STREET - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
378. STREET INTERSECTION - Any street which joins another street at an angle, whether or not it crosses the other.
379. STREET YARD - The area between the building line and the property line/right-of-way) line. On most lots, this will be the front yard, but in some instances can also be the side yard and/or rear yard, depending on the configuration of the lot to adjacent rights-of-way.
380. STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
381. STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
382. STUDIO, HEALTH/REDUCING/FITNESS - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio

- patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.
383. STUDIO – COMMERCIAL FILM – A business that creates content for advertising, marketing, and other commercial purposes.
384. STUDIO - RADIO AND TELEVISION - A building or portion of a building used as a place for radio or television broadcasting.
385. STUDIO - TATTOO OR BODY PIERCING - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.
386. SURGICAL OUT-PATIENT FACILITY - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
387. SWIMMING INSTRUCTION AS A HOME OCCUPATION - The teaching of swimming in a private swimming pool. (Also see Home Occupation Regulations, Section 41.)
388. SWIMMING POOL, PRIVATE - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Chapter 4, Section 4-9 of the City of Terrell Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
389. SWIMMING POOL, COMMERCIAL - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
390. SWIMMING POOL (PUBLIC) – See “Municipal Facility or Use”
391. TAXIDERMIST – The art of preparing, stuffing, and mounting the skins of animals.
392. TELEMARKETING CENTER - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occur at or on the premises. No products are stored at or on the premises.
393. TEMPORARY BUILDING - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.
394. TEMPORARY CLASSROOM STRUCTURES (CHURCHES AND SCHOOLS) – See “Temporary Building”

- 395. TEMPORARY OUTSIDE RETAIL SALES / COMMERCIAL PROMOTION (also "Outside Display") - Outside temporary display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors) but not displayed outside overnight.
- 396. TEMPORARY USES - Uses lasting for only a limited period of time; not permanent. Short-term or seasonal uses that would not be appropriate on a permanent basis, which typically require a special permit issued by the City.
- 397. TENNIS COURT, PRIVATE - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the specific use permit.
- 398. THEATER OR PLAYHOUSE (INDOOR) - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
- 399. THEATER, (OUTDOOR); DRIVE-IN - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
- 400. THRIFT STORE -A retail store that primarily sells second-hand or used merchandise, furniture, clothing and other goods to the general public excluding an Antique Store as defined herein. (described by Ordinance 2669 as definition "272").
- 401. TINSMITH / SHEET METAL SHOP – A facility that uses thin metal sheets to create parts and structures through cutting, forming, and joining; also known as sheet metal fabrication.
- 402. TIRE DEALER, NO OUTSIDE OR OPEN STORAGE - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.
- 403. TIRE DEALER, WITH OUTSIDE OR OPEN STORAGE - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.
- 404. TOOL AND MACHINERY RENTAL SHOP - A building or a portion of a building used for the display and rental of tools, machinery and instruments.
- 405. TRACT - A single individual parcel or lot.
- 406. TRAILER RENTAL - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
- 407. TRAILER, TRAVEL OR CAMPING - A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

- 408. TRANSFER STATION REFUSE – An industrial facility that temporarily holds and sorts municipal solid waste (MSW) before it is transported to a final disposal site.
- 409. TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
- 410. TREATMENT / CARE FACILITY (PSYCHIATRIC, ALCHOLIC, NARCOTIC) – See “Institution for Alcoholic, Narcotic, or Psychiatric Patients”
- 411. TRIPLEX – A dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall.
- 412. TRUCK - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").
- 413. TRUCK SALES, SERVICE, LEASING OR RENTAL – See “Vehicle Display, Sales, and Service”
- 414. TRUCK AND BUS REPAIR - An establishment providing major and minor automotive repair services to heavy load vehicles.
- 415. TRUCK AND BUS LEASING - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
- 416. TRUCK STOP - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.
- 417. TRUCK TERMINAL - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
- 418. TRUCK SALES (HEAVY TRUCKS) - The display, sale or rental of new or used heavy load vehicles in operable condition.
- 419. TWO-FAMILY DWELLING (DUPLEX) - Two attached dwelling units in one structure that are divided by a property line centered on the common wall with each unit located on its own platted lot, each designed to be occupied by one family.
- 420. USABLE OPEN SPACE - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 20.5(A-D)).

421. USE - The purpose for which land or buildings are or may be occupied in a zoning district.
422. USED MERCHANDISE STORE (also "Resale Shop" or "Thrift Store" or "Consignment Shop") An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight "for sale" basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.
423. UTILITY DISTRIBUTION/TRANSMISSION LINES - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.
424. VARIANCE - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Terrell can grant a variance subject to the restrictions as stated in Section 9.
425. VEHICLE DISPLAY, SALES, AND SERVICE – A facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.
426. VETERINARIAN CLINIC - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").
427. VIDEO RENTAL / SALES (FOR ALL AUDIENCES) – Physical businesses that typically have customers sign a rental agreement or contract to rent a video for a specified period of time.
428. WAREHOUSE DISTRIBUTION CENTER – Typically a large scale storage facility which receives equipment, products, parts, goods or merchandise that are redistributed to industrial, manufacturing, wholesale or retail customers.
429. WATER / WASTEWATER TREATMENT PLANT – A destination where wastewater (water which is no longer fit for its current purpose) moves to once it leaves homes and businesses through sewage pipes.
430. WATER SUPPLY FACILITY – Any location or facility related to the public water system.
431. WEDDING RENTAL FACILITY – A private secular (non-church) facility which is leased or rented on a temporary basis for private wedding parties or other private parties. (same as Private Party Rental Facility which requires a Temporary Use Permit – see Section 38.10)

- 432. WELDING SHOP – A business that specializes in welding, a fabrication process that join two pieces of metal together using heat, pressure, or both; use of heavy machinery and a variety of tools to heat the metal, cut into shape, and smooth out molten metal to create a bond.
- 433. WHOLESale CENTER – A business that buys products in bulk from manufacturers and sells in smaller quantities to other businesses.
- 434. WIND TURBINE (ELECTRICAL GENERATION) – The process of generating electric power from sources of primary energy.
- 435. WINERY – A business that produces wine and which business holds a current, valid Texas Alcohol Beverage Commission (“TABc”) type G permit, including operations related to the production and sale of wine for both on-site and off-site consumption.
- 436. WOOD OR STEEL STRUCTURAL FABRICATION – The process of transforming wood or steel into structures or parts using various fabrication techniques.
- 437. WRECKER / SALVAGE YARD (JUNKYARD OR AUTO SALVAGE) - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.
- 438. WRECKER SERVICE – A business that uses a wrecker, or tow truck, to move vehicles that are disabled, stuck, or otherwise unable to move.
- 439. YARD - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 38-6).
- 440. YARD, FRONT - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 38-6).
- 441. YARD, REAR - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 38-8).
- 442. YARD, SIDE - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 38-8).
- 443. ZERO-LOT-LINE DWELLING - See "Patio Home".

- 444. ZONING BOARD OF ADJUSTMENT - A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "BOA."
- 445. ZONING DISTRICT - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.
- 446. ZONING DISTRICT MAP - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. The Official Zoning Map is maintained by the City Secretary, all other copies, depictions posted on the internet, or electronic versions are for reference only and are not to be considered official for zoning purposes.
- 447. ZOO – An establishment which maintains a collection of wild animals, typically in a park or gardens, for study, conservation, or display to the public.

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VI. INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE

SECTION 45 EFFECT OF INTERPRETATION; REPEALER

- 45.1 In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern. This Ordinance is also not intended to abrogate or annul any lawfully obtained permit issued prior to the effective date of this Ordinance.
- 45.2 All provisions of the City's prior Zoning Ordinance adopted on August 3, 2010, as amended, and any other ordinances of the City of Terrell, that are in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed. All other provisions of City of Terrell ordinances that are not in conflict herewith shall remain in full force and effect.
- 45.3 The City Council reserves the authority, at its sole discretion, from time to time, to include in Development Agreements provisions of flexibility associated with the interpretation, application or implementation of the requirements of this Ordinance. Such authority shall not include the flexibility to change any provision related to the Use Tables herein or any allowance of Specific or Restricted Use which may be required by the Use Tables herein. In addition, such authority shall not include the flexibility to change the Zoning District classification of the impacted property.

SECTION 46 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

- 46.1 By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal and adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 47 PENALTY FOR VIOLATIONS

- 47.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

47.2 Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 48 VALIDITY

48.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 49 EFFECTIVE DATE

49.1 This Ordinance shall be effective as of the date of its adoption by the City Council of Terrell, Texas.