

ORDINANCE NO. 2953

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL, ARTICLE III, ZONING DISTRICTS, SECTION 23, MANUFACTURED HOME (MH) DISTRICT, ARTICLE IV, USE REGULATIONS, SECTION 32.2, USE CHARTS, AND ARTICLE V, DEVELOPMENT STANDARDS, SECTION 44, DEFINITIONS AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on the 9th day of January, 2023, the Planning and Zoning Commission conducted a public hearing and approved the amendment of Appendix 2, Zoning Ordinance of the City of Terrell, Article III, Zoning Districts, Section 23, Manufactured Home (MH) District, Article IV, Use Regulations, Section 32.2, Use Charts, and Article V, Development Standards, Section 44, Definitions as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

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, Article III, Zoning Districts, Section 23, Manufactured Home (MH) District, Article IV, Use Regulations, Section 32.2, Use Charts, and Article V, Development Standards, Section 44, Definitions are hereby amended as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

ARTICLE II.

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

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 IV.

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

ARTICLE V.

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 10th day of January, 2023.

PASSED AND ADOPTED on this the 17th day of January, 2023.

E. Rick Carmona, Mayor

ATTEST:

Dawn Steil, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney

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.

6. insert mf FROM ARBORETUM ESTATES

- 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 to 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. [Internet required]
- 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 Fighting:**
 - 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.
- 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.

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 (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.
2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - 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").
3. **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).
4. **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.
5. **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.
6. **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.
7. **AMUSEMENT, 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.

8. **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.
9. **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.
10. **ANTENNA (AMATEUR/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.
11. **ANTENNA (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.
12. **ANTIQUÉ SHOP, SALES INDOORS** - 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 antiquities (generally over 100 years old) from past eras.
13. **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".

14. **ASSISTED LIVING FACILITY** - A facility which provides residence and care to seven (7) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited kitchen facilities. Full-time medical, nursing or professional care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.), however, full-time supervisory staff may reside onsite or be present at all times.
15. **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.
16. **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.
17. **AUTO FINANCE AND LEASING** – Long-term leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
18. **AUTO RENTAL** – Short-term renting or leasing of automobiles, motorcycles and light load vehicles with outside storage.
19. **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.
20. **AUTO REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
21. **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.
22. **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.

23. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
24. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.
25. **AUTO STORAGE OR AUTO AUCTION** - 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").
26. **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.
27. **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”).
28. **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.
29. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - 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.
30. **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock. (see Section 14 for setback requirements)
31. **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.
32. **BATCHING PLANT, CONCRETE OR ASPHALT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.
33. **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.
34. **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.

35. **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.
36. **BOARDING OR ROOMING HOUSE** - A multi-family dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.
37. **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.
38. **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.
39. **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).
40. **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.
41. **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Codes of the City of Terrell.
42. **BUILDING SITE** - See "Lot" definition.
43. **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
44. **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.
45. **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.).

46. **CARPORT** - A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Also called "covered parking area."
47. **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").
48. **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
49. **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of pets or other animals.
50. **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.
51. **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").
52. **CHILD CARE CENTER (OR 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.
53. **CHURCH, RECTORY OR TEMPLE** - 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.
54. **CITY COUNCIL** - The governing body of the City of Terrell, Texas.
55. **CITY OF TERRELL** - The City of Terrell, Texas; sometimes referred to as the "City".

56. **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.
57. **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.
58. **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.
59. **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.
60. **COMMERCIAL/WHOLESALE LAUNDRY (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.
61. **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).
62. **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.
63. **CONSIGNMENT SHOP/RE-SALE SHOP (also THRIFT STORE)** - See “Used Merchandise Store”.
64. **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.
65. **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.
66. **CONTRACTOR'S SHOP WITH OUTSIDE 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.
67. **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.

68. **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.
69. **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.
70. **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.
71. **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)
72. **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).
73. **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
74. **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.
75. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.
76. **DOCTORS OFFICE** or **DENTAL OFFICE** - Same as medical clinic.
77. **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.
78. **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.
79. **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)

80. **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)
81. **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)
82. **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.).
83. **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)
84. **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.
85. **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.
86. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.
87. **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.
88. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.
89. **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.
90. **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.

91. **FARM, RANCH, 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.
92. **FEED AND GRAIN 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.
93. **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.

94. **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.
95. **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.
96. **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).
97. **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.
98. **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.
99. **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.
100. **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.
101. **FRONT YARD** - See "Yard, Front".
102. **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.
103. **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').
104. **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.
105. **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.
106. **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".

107. **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
108. **GOVERNMENT 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.
109. **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.
110. **GUN RANGE (OUTDOOR)** - A facility with all firing areas 300 feet from a property line so configured that no projectile may reach an area within 300 feet of a property line
111. **GUN RANGE (INDOOR)** - A facility with for practice and competition with firearms meeting the safety requirements of the National Shooting Sports Association.
112. **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
113. **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.
114. **HEAVY MACHINERY SALES AND STORAGE** - 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.
115. **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.
116. **HELISTOP/HELIPAD** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
117. **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.

118. **HOME OCCUPATION** - 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).

119. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

120. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

121. **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.

122. **HOTEL** – 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.

123. **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.

124. **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.

125. **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.

126. **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.

127. **INDUSTRIAL, MANUFACTURING** - 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.

128. **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

129. **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).

130. **KENNELS (INDOOR PENS)** - 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.
131. **KENNELS (OUTDOOR PENS)** - 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.
132. **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.
133. **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.
134. **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.).
135. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.
136. **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").
137. **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.
138. **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.
139. **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.
140. **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.

141. **LIVE/WORK UNITS** – Street level units that are permitted in certain non-residential districts which are initially intended for residential uses but designed to accommodate 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 above the ground floor in which public access is typically from the street frontages and private access to the residential units are from the rear of the buildings. Outside of the Multi-Family (MF-22) zoning district, live/work units are intended to be an accessory use only and shall be limited to no more than twenty percent (20%) of the total floor space in a mixed use application. (see also Mixed Use Residential)
142. **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.
143. **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.
144. **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)
145. **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.
146. **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).
147. **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines. (See Illustration 38-7).
148. **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.
149. **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.
150. **LOT, INTERIOR** - A lot other than a corner lot.
151. **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.
152. **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.
153. **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).

154. **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.
155. **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).
156. **LOT LINE, SIDE** - Any lot line not the front or rear lot line.
157. **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.
158. **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).
159. **MAIN/PRIMARY BUILDING** - The building or buildings on a lot which are occupied by the primary use.
160. **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.
161. **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.
162. **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.
163. **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.

164. **MASONRY CONSTRUCTION** – (See Section 37)

165. **MASSAGE 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.

166. **MEDICAL CLINIC OR OFFICE** - 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.

167. **MEDICAL LABORATORY** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
168. **MIXED USE RESIDENTIAL** – Dwelling units located in a non-residential district such as the Central Business District which are typically located above the ground level of a building or if located on ground floor are not on the street frontage and do not take up more than 50% of the first floor. (see Live/Work Units)
169. **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.
170. **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.
171. **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.
172. **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.
173. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.
174. **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.
175. **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.
176. **MULTIPLE-FAMILY DWELLING** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.
177. **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.

178. **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.
179. **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.
180. **NURSERY/GARDEN SHOP (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.
181. **NURSERY** - A 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.
182. **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.
183. **OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.
184. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - 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.
185. **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.
186. **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.
187. **OUTSIDE DISPLAY** – See “Temporary Outside Retail Sales”.
188. **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).
189. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").

190. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").
191. **PARK OR PLAYGROUND (PRIVATE)** - See "Private Recreation Facility".
192. **PARK OR PLAYGROUND (PUBLIC)** - See "Public Recreation".
193. **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.
194. **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.
195. **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)
196. **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).
197. **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.
198. **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").
199. **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, 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.

200. **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.
201. **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.
202. **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.
203. **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."
204. **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.
205. **PLATTED LOT** - See "Lot" and "Lot of Record".
206. **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.
207. **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.
208. **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.

209. **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.
210. **PREMISES** - Land together with any buildings or structures situated thereon, same as "LOT".
211. **PRIMARY USE** - The principal or predominant use of any lot or building.
212. **PRIVATE ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Terrell.
213. **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.)
214. **PRIVATE PARTY RENTAL FACILITY** – A facility that is leased or rented on a temporary basis for private parties. (requires a Specific Use Permit)
215. **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.
216. **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
217. **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.
218. **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.
219. **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.
220. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.
221. **REAR YARD** - See "Yard, Rear".

222. **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.
223. **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.
224. **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").
225. **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.
226. **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.
227. **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.
228. **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.
229. **RESEARCH LABORATORIES (SCIENTIFIC AND INDUSTRIAL)** - Facilities for research include laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
230. **RESIDENCE** - Same as a dwelling unit; also, when used with district, an area of residential regulations.
231. **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.
232. **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.

233. **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.
234. **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.
235. **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.
236. **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).
237. **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, canned 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).
238. **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - 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.
239. **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.
240. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD)** - The reclamation and storage of used products or materials.
241. **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.

242. **SANITARIUM** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
243. **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.
244. **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.
245. **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.
246. **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.
247. **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.
248. **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).
249. **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.
250. **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.
251. **SEXUALLY ORIENTED BUSINESS** - See Chapter 5, Section 14 of the City's Code of Ordinances.
252. **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.
253. **SHELTER OVER NIGHT USE** - A temporary residential facility 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.
254. **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.

255. **SIDE YARD** - See "Yard, Side".

256. **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.

257. **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.

258. **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

259. **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.

260. **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.

261. **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.).

262. **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

263. **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.

264. **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials.

265. **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.

266. **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.
267. **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').
268. **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.
269. **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.
270. **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").
271. **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.
272. **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.
273. **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.
274. **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.
275. **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.
276. **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. (Also see Home Occupation Regulations, Section 41.)
277. **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.

278. **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.
279. **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.
280. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING 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.
281. **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.
282. **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.
283. **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.
284. **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.
285. **THEATER, DRIVE-IN (OUTDOOR)** - 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.
286. **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.
287. **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").
288. **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.
289. **TIRE DEALER, WITH OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

290. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.
291. **TRACT** - A single individual parcel or lot.
292. **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
293. **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.
294. **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.
295. **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").
296. **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.
297. **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.
298. **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.
299. **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.
300. **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.
301. **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.
302. **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)).
303. **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.

304. **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.
305. **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.
306. **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.
307. **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").
308. **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.
309. **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)
310. **WRECKING 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.
311. **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).
312. **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).
313. **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).
314. **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).

315. **ZERO-LOT-LINE DWELLING** - See "Patio Home".
316. **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."
317. **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.
318. **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.

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 use 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)



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.

BLANK PAGE

1B

Non-Residential Zoning Districts

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.

T – Temporary Use Permit required.

E – Existing Residential Structure.

AGRICULTURAL USES	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
Bulk Grain and/or Feed Storage							P		P		
Farms, General (Crops)							P		P		
Farms, General (Livestock/Ranch)							P		P		
Greenhouse (Non-Retail/Hobby)							P		P		
Hay, Grain, and/or Feed Sales (Wholesale)							P		P		
Feed, Grain or Farm Supply Retail Store			P			P	P		P		
Kennels (Indoors)			S			P	P				
Kennels (Outdoors)						P	P				
Livestock Sales (wholesale)							S				
Orchard/Crop Propagation							P		P		
Plant Nursery (growing for commercial purposes but no retail sales on site)							P		P		
Stables (As A Business)							S		P		
Stables (Private, Accessory Use)							S		P		
Stables (Private, Principal Use)							S		P		
Veterinarian (Indoor Kennels)			P			P	P		P		
Veterinarian (Outdoor Kennels)						S	P				
RESIDENTIAL USES											
Bed and Breakfast Inn				S				S			
Four-Family Dwelling (Quadriplex)											
Independent Living Facility For Elderly/Seniors					R						
Live/Work Dwelling Units (First Floor Retail Required)			S	P	S			P			
Manufactured Home (HUD CODE)											
Mobile Home (built prior to June 15, 1976)											
Multi-Family Residential											
Rooming/Boarding House											
Single-Family Detached Dwelling								E			
Single-Family Attached Dwelling (Townhouse)								E			
Three-Family Dwelling (Triplex)											
Two-Family Dwelling (Duplex)								E			
Zero Lot Line Single-Family Dwelling (Patio Home)								E			
Loft				P				P			

See Section 30.A For Permitted Uses

Outdoor Gun Range Facility								S			
----------------------------	--	--	--	--	--	--	--	---	--	--	--

1B

Non-Residential Zoning Districts

Legend

- P – The land use is permitted by right in the zoning district indicated.
- The land use is prohibited in the zoning district indicated.
- S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.
- R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.
- T – Temporary Use Permit required.
- E – Existing Residential Structure.

OFFICE AND PROFESSIONAL USES	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
Depository Financial Institution (With Drive-Thru Service)	S		P	S	P	P	P	S	P	See Section 30.A For Permitted Uses	
Depository Financial Institution (Without Drive-Thru Service)	P	P	P	P	P	P	P	P	P		
Medical Office (Doctor, Dentist, Optician or Other Outpatient)	P	P	P	P	P	P	P	P	P		
Medical Laboratory	S		S		P	P	P		P		
Motion Picture Studio, Commercial Film				P	S	S	P	P	P		
Non-depository Financial Establishment			S								
Office (General Business or Professional)	P	P	P	P	P	P	P	P	P		
Radio or Television Broadcasting Studio (With Tower)					S	S	S		S		
Radio or Television Broadcasting Studio (Without Tower)	P	P	P	P	P	P	P	P	P		
Telemarketing Agency											
PERSONAL AND SERVICE USES											
Ambulance Service			S		P	P	P		P		
Artist/Photography Studio	P	P	P	P	P	P	P	P	P		
Automobile Driving School	S	S	P		S	P	P		P		
Automatic Teller Machines (ATM's)	P	P	P	P	P	P	P	P	P		
Bail Bond						S					
Barber/Beauty Shop	P	P	P	P	P	P	P	P	P		
Check Cashing Business, Payday Advanced/Loan Business and Car Title Loan Business						S					
Dance/Drama/Music Schools (Performing Arts Studio)	P	P	P	P	P	P	P	P	P		
Downtown Hotel / Lodge				S				S			

Electronic Sales/Service (Computers, Entertainment or Telephones)	S	P	P	P	P	P	P	P	P		
Exterminator Service (No outdoor sales or storage)						P	P		P		
Funeral Home			S		S	P	P		P		

1B

Non-Residential Zoning Districts

Legend

- P – The land use is permitted by right in the zoning district indicated.
- The land use is prohibited in the zoning district indicated.
- S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.
- R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.
- T – Temporary Use Permit required.
- E – Existing Residential Structure.

PERSONAL AND SERVICE USES (Continued)	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
Hotel/Motel			S		S	S					
Martial Arts School / Dance Studio	P	P	P	P	P	P	P	P	P		
Laundromat (or Self-Service Washeteria)		S	S		R	P	P	S	P		
Laundry/Dry Cleaning (Drop Off/Pick Up)	P	P	P	P	R	P	P	P	P		
Locksmith	P	P	P	P	P	P	P	P	P		
Massage Establishment (as defined within this Ordinance)									S		
Mini-Warehouse/Self Storage			S		S	S	P		P		
Personal Service Shops (Tailor, Shoe Repair, Seamstress, etc.)	P	P	P	P	P	P	P	P	P		
Photocopy/Print Shop	P	P	P	P	P	P	P	P	P		
Security Systems Installation and Monitoring Company	P	S	P	S	R	P	P	S	P		
Sexually Oriented Business (Regulated by Additional City Codes, Ch. 5, Section 5.14)									P		
Tattoo Studio or Body Piercing									S		
Tool Rental (Indoor Storage only)			P		P	P	P		P		
Tool Rental (with Outdoor Storage- No Heavy Equipment)			S			P	P				
RETAIL USES											
Antique/Consignment Shop (No Outside Storage)		P	P	P	P	P	P	P	P		
Antique/Consignment Shop (With Outside Storage)						S	S				
Appliance (Major) Sales, Rental, Repair (With Outside Storage)						S	P				
Appliance (Minor) Sales, Rental, Repair (No Outside Storage)			P	P	P	P	P	P	P		

See Section 30.A For Permitted Uses

Bakery or Confectionery Shop (Retail)		P	P	P	P	P	P	P	P		
Convenience Store (with Gasoline Sales)		S	P		P	P	P				
Convenience Store (without Gasoline Sales)		P	P	S	P	P	P	S	P		
Garden Center/Nursery With No Outside Storage)		P	P		P	P	P		P		
Gravestone/Tombstone Sales			S			P	P		P		

1B

Non-Residential Zoning Districts

Legend

- P – The land use is permitted by right in the zoning district indicated.
- The land use is prohibited in the zoning district indicated.
- S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.
- R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.
- T – Temporary Use Permit required.
- E – Existing Residential Structure.

RETAIL USES (Continued)	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
General Merchandise (Dry Goods) – Stores Less Than 12,000 Sq. Ft.		P	P	P	P	P	P	P	P		
General Merchandise (Dry Goods) – Stores 12,000 Sq. Ft. or Larger		S	P	S	P	P	P	S	P		
Grocery/Food Store – Less Than 12,000 Sq. Ft.		P	P	S	P	P	P	P	P		
Grocery/Food Store – 12,000 Sq. Ft. or Larger		S	P	S	P	P	P	S	P		
Light Equipment Sales or Service (No Outside Storage)			P		P	P	P		P		
Light Equipment Sales or Service (With Outside Storage)			S			P	P				
Liquor Package Stores					S						
Market (Public, Flea, Produce, etc.) permanent						S	S		S		
Pawn Shop						P					
Pet Shop / Supplies / Grooming		P	P	P	P	P	P	P	P		
Pharmacy		P	P	P	P	P	P	P	P		
Restaurant (Without Drive-Thru Service)	S	P	P	P	P	P	P	P	P		
Restaurant (With Drive-Thru or Drive-In Service)		S	P		P	P	P		P		
Thrift Store (No Outside Storage or Display)						S					
Smoke Shop (E-cigarettes, smoking accessories, or paraphernalia)							S		S		
Alcoholic Beverage Retail Sales (See Chapter 5, Section 5.2 of the Code of Ordinances, as amended)					P						

See Section 30.A For Permitted Uses

1B

Non-Residential Zoning Districts

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.

T – Temporary Use Permit required.

E – Existing Residential Structure.

AUTOMOTIVE USES	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
Auto Auction/Storage						S	P				
Auto Dealership (Used Auto Sales as Accessory Use Only)			S		S	P	P				
Auto Dealership (Used Auto Sales)			S			P	P				
Auto Muffler Shop (With Outside Storage)						P	P				
Auto Paint and Body Shop (With Outside Storage)						S	P				
Auto Parts and Accessories Sales (Indoors Only – No Repair Bays)		S	P	S	P	P	P	S	P		
Auto Rental or Leasing			S		P	P	P		P		
Auto Repair (Major)						S	P		P		
Auto Repair (Minor)					S	P	P		P		
Auto Retail Sales/Repair (With Service Bays – No Outside Storage)			P		S	P	P		P		
Auto Wrecker Service (Limited to Ten Vehicles Stored Onsite)						P	P				
Auto Wrecking/Salvage Yard							S				
Boat (Marine) Dealership			S		S	P	P		P		
Car Wash (Self Service; Automated)		S	S			P	P		P		
Car Wash (Full Service; Detail Shop)		S	P		S	P	P		P		
Gasoline Service Station		S	P		P	P	P		P		
Motorcycle/All Terrain Dealership			S			P	P		P		
Public Garage / Parking Structure			P	S	P	P	P	S	P		
Quick Lube/Oil Change/Minor Inspection		S	P		S	P	P		P		
Recreational Vehicle Dealership (RV's, Campers, Travel Trailers, etc.)						S	P		P		
TRANSPORTATION USES											
Airport, Heliport or Landing Field							S				
Helistop or Helicopter Landing Pad			S		S		S				
Bus Station or Terminal							P				
Limousine / Taxi Service						P	P				
Motor Freight (Trucking) Company							S				
Moving and Storage Company (With Outside Storage)							P				
Railroad Yard							S				
Truck Sales, Service, Leasing or Rental							S		S		

See Section 30.A For Permitted Uses

Truck Stop and Fueling Station								S			
--------------------------------	--	--	--	--	--	--	--	---	--	--	--

1B

Non-Residential Zoning Districts

Legend
P – The land use is permitted by right in the zoning district indicated.
 – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.
R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.
T – Temporary Use Permit required.
E – Existing Residential Structure.

GOVERNMENTAL AND UTILITY USES	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
Antenna/Tower (Non-Commercial)	(See Section 38.5)										
Antenna/Tower (Commercial)	(See Section 38.5)										
Electrical Generating Plant						S	P				
Electrical Substation	S	S	S		S	S	P			P	
Electrical Transmission Line (Towers)	S	S	S		S	S	P			P	
Fire Station	P	P	P	P	P	P	P			P	
Franchised Private Utility (not listed)	P	P	P			P	P			P	
Gas Transmission Line (Regulating Station)	S	S	S		S	S	S			S	
Governmental Office Building (Municipal, County, State or Federal)	P	P	P	P	P	P	P			P	
Governmental Service Facility or Use (Municipal, County, State or Federal)	P	P	P	P	R	P	P			P	
Mailing Service (Private)	P	P	P	P	P	P	P			P	
Phone Exchange/Switching Station	S	S	S	S	S	S	S			S	
Police Station	P	P	P	P	P	P	P			P	
Post Office (Governmental)	P	P	P	P	P	P	P			P	
Propane Sales (Retail)						S	P			P	
Radio/Television Tower (Commercial – Stand Alone)	(See Section 38.5)										
Sewage Lift/Pumping Station	P	P	P	P	P	P	P			P	
Transfer Station (Refuse/Pick-up)						S	P			P	
Utility Distribution Line	P	P	P	P	P	P	P			P	
Water/Wastewater Treatment Plant (Public)	P	P	P	S	R	P	P			P	
Water Supply Facility (Public; includes Elevated Water Storage)	P	P	P	S	P	P	P			P	
Water Supply Facility (Private)	P	P	P	P	P	P	P			P	

See Section 30.A For Permitted Uses

Wind Turbine (Electrical Generation)							S				
--------------------------------------	--	--	--	--	--	--	----------	--	--	--	--

1B

Non-Residential Zoning Districts

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.

T – Temporary Use Permit required.

E – Existing Residential Structure.

COMMERCIAL AND WHOLESALE USES	Non-Residential Zoning Districts										
	O	NS	R	CBD	HC	C	LI	DD	VC	RT	
Bakery or Confectionery (Commercial/Wholesale)						P	P	S	P	See Section 30.A For Permitted Uses	
Book Bindery						P	P		P		
Cleaning Plant (Commercial/Wholesale)						S	P				
Contractor's Office/Shop, (No Outside Storage Including Vehicles)			S		R	P	P		P		
Contractor's Office/Shop (With Outside Storage)						S	P				
Contractor Supply Warehouse (Wholesale – No Outside Storage)			S		R	S	P		P		
Contractor Supply Warehouse (Wholesale – With Outside Storage)						S	P				
Heating & Air-conditioning Sales / Services			S			P	P		P		
Heavy Equipment Sales or Service						S	P				
Heavy Equipment Rental or Leasing						S	P				
Manufactured Home Sales (New)							S				
Manufactured Home Sales (Used)											
Office Showroom Warehouse			S		S		P		P		
Outside Storage of Equipment or Materials (More Than 24 Hours)			S			S	P				
Petroleum Distribution/Storage/Wholesale Facility						S	P				
Portable Building Sales						S	S				
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)		S	P	S	P	P	P	S	P		
Taxidermist						P	P				
Welding Shop						P	P		P		
Wholesale Warehouse Distribution Center					R		P		P		

1B

Non-Residential Zoning Districts

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

R – Use is restricted and is prohibited within 700 ft. of a major highway ROW in the HC District.

T – Temporary Use Permit required.

E – Existing Residential Structure.

LIGHT INDUSTRIAL AND MANUFACTURING USES	Non-Residential Zoning Districts											
	O	NS	R	CBD	HC	C	LI	DD	VC	RT		
Animal Rendering Plant (Slaughterhouse)												See Section 30.A For Permitted Uses
Assembly and Fabrication Processes (Inside Only)					R	P	P		P			
Batch Plant – Asphalt/Concrete (Permanent)							S					
Bottling Works						P	P		P			
Commercial Dairy Processing Plant						S	P		P			
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair						S	P		P			
Food Processing (No Animal Slaughtering)						S	P		S			
Industrial Processes (Wholly Enclosed Within a Building)						S	S		S			
Industrial Processes(Not Wholly Enclosed Within a Building)							S					
Laboratory Equipment Manufacturing					R	S	P		S			
Machine Shop						P	P		P			
Maintenance & Repair service for Buildings			S		R	P	P		P			
Manufacturing, General (meeting performance standards in Section 39)						S	P		S			
Mineral Extraction (Including Gas, Oil, Coal)							S					
Paper Manufacturing, Converting or Finishing						S	P		S			
Research Lab (Non-Hazardous)			S			S	P		S			
Salvage, Reclamation or Recycling of Materials							S					
Sand/Gravel/Stone Extraction							S					
Sand/Gravel/Stone Sales (Storage)							S					
Sign Manufacturing						S	P					
Stone/Clay/Glass Manufacturing							P					
Wood or Steel Structural Fabrication							S					
Micro-Brewery (onsite mfg. & sales) (see Chapter 5, Section 5.2 of the Code of Ordinances as amended)				P	P			S	S			
Cottage Industry				S	S		P		P			