**AN ORDINANCE OF THE CITY OF TRENTON, TEXAS, REPEALING ORDINANCE NOS. 251, 301 THE CITY OF TRENTON ZONING ORDINANCE, BY REVISING THE LANGUAGE STATING THE PURPOSE OF THE ORDINANCE IN SECTION 1; ADDING NEW ZONING DISTRICTS TO THE LIST OF EXISTING DISTRICTS IN SECTION 3; DELETING SECTION 4.5 RELATING TO COLORATION OF DISTRICTS ON THE OFFICIAL ZONING MAP; REVISING THE LIST OF PERMITTED AND CONDITIONAL USE IN ALL ZONING DISTRICTS IN SECTIONS 4 THROUGH 13; ADDING A SINGLE FAMILY RESIDENTIAL - ESTATE ZONE IN A NEW SECTION 7; ADDING A NEW MANUFACTURED HOME AND MODULAR HOUSING DISTRICT IN A NEW SECTION 9; ADDING A NEW LIGHT MANUFACTURING DISTRICT IN A NEW SECTION 15; ADDING A NEW HEAVY MANUFACTURING DISTRICT IN A NEW SECTION 16; ESTABLISHING A SCHEDULE OF USES; PROVIDING AREA, SETBACK, HEIGHT, COVERAGE, AND DENSITY REGULATIONS; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON, TEXAS:**

**I.**

**Findings Incorporated and Purpose**

* 1. Findings Incorporated: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.
  2. Purpose: The Zoning Regulations and Districts adopted by this Ordinance are established in accordance with the City’s comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the City. They are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. They have been established with reasonable consideration, among other things for the character of each district and its peculiar suitability for the particular uses specified and with a view to conserving the value of building and encouraging the most appropriate use of land throughout the City.

**II.**

**Repeal of Ordinances 251,301,323**

Ordinance Nos. 251,301,323 are hereby repealed and replaced. The effective date of the repeal shall be the effective date of this Ordinance. Said repeal shall not abate any pending prosecution or lawsuit and/or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance Nos. 251,301,323 occurring before the effective date of this Ordinance.

**III.**

**Zoning Districts Established**

3.1. The City of Trenton, Texas, is hereby divided into zoning districts as listed in this section.

ABBREVIATED

DESIGNATION ZONING DISTRICT NAME

A Agricultural District

R-E Singular Family Residential District - Estate

R-1 Single Family Residential District

R-2 Two-Family Residential District

MH-1 Manufactured Home & Modular Housing District

MH-2 Mobile Home Park District

MF Multifamily District

B-1 Business District, Office, Light Retail and Neighborhood Services

B-2 Business District, General

CB Central Business District

I-1 Industrial District, Light

I-2 Industrial District, Heavy

3.2 Description and Purpose of Zoning Districts

Agricultural District: The A district provides for the continuance of farming, ranching, and gardening activities on land being utilized for these purposes. When land in an Agricultural District is needed for urban purposes, it is anticipated the zoning will be changed to the accordance with the Comprehensive Plan.

Single Family Residential - Estate: The R-E district provides for residential development on large lots, with a minimum building site of 32,670 square feet. Density in this district will usually be no greater than non (1) unit per gross acre.

Single Family Residential District: The R-1 district provides for a minimum residential building site of 7500 square feet. Density in this district will usually be no greater than four (4) units per gross acre.

Two Family Residential District: The R-2 district permits residential development of densities ranging from four (4) to six (6) units per gross acre.

Manufactured Home Subdivision District: The MH-1 district provides an area for the placement of a manufactured home and modular home units in subdivisions in which most and housing units are owner-occupied. Densities in this district will be comparable to that of the R-1 District.

Manufactured Home Park District: The MH-2 District establishes a category in which manufactured home park development with a maximum density of approximately 5 - 6 units per gross acre can occur.

Multifamily Dwelling District: The MF district permits multifamily development of maximum densities of twenty (20) units per acre, except under special mitigation conditions.

Office, Light Retail, and Neighborhood Services District: Retail, commercial, and office uses developed under the standards of the B-1 District are designed to provide a compatible relationship between the B-1 development and adjacent residential areas.

General Business District: Uses which require considerable space for display, sales, or open storage, or by the nature of the uses are generally not compatible with residential uses are located in the B-2 Commercial District in addition to uses allowed in the B-1 district.

Central Business District: This district is intended to be a mixed use area consisting of retail, commercial, office, and residential uses designed to provide a compatible relationship between business uses, residential uses, and adjacent residential areas.

Industrial District, Light: The Light Industrial District (I-1) is established to accommodate uses of a non-nuisance type located in relative proximity to residential and B-1 business areas. Development in the I-1 district is limited primary to certain wholesale, jabbing, and warehouse uses and certain specialized manufacturing and research uses of a type which will not create a nuisance.

Industrial District, Heavy: The Heavy Industrial District (I-2) is established to accommodate industrial uses not appropriate for inclusion in the I-1 district and likely to create noise, traffic, odor, and/or other conditions incompatible with most residential and commercial uses.

**IV.**

**Zoning Map and Boundaries**

4.1. Zoning Districts Shown on the Zoning District Map

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map of the City, adopted as part of this ordinance as fully as if the same were set forth herein in detail.

4.2. Official Zoning District Map

1. Official Zoning District Map Filing
   1. One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance Number \_\_\_473\_\_\_.
   2. This copy shall be the “Official Zoning District Map” and shall bear the signature of the Mayor and attestation of the City Secretary.
2. Official Zoning District Map Management
   1. The Official Zoning District Map shall not be changed in any manner.
   2. In case of any question, the Official Zoning District Map, together with amending ordinances, shall be controlling.

4.3. Current Zoning District Map

1. City Secretary Maintains the Current Zoning District Map
   1. An additional copy of the original Zoning District Map shall be placed in the office of the City Secretary. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent zoning boundary amendments and shall be identified as the “Current Zoning District Map”.
   2. In case of any question involving a district designation within the City, the updated copy of the Current Zoning District Map on file in the office of the City Secretary is presumed correct, and the person challenging the accuracy of that copy has the burden of presenting the Official Zoning Map, together with the ordinances amending the Map, to prove the inaccuracy of the updated copy.

2. Zoning Map Reproductions Reproductions for informational purposes may be made of the Official or Current Zoning District Map.

4.4. District Boundary Interpretation Rules

The district boundary lines shown on the Official Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply.

1. Centerlines - Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
2. Platted Lot Lines - Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. City Limits - Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Railroad Lines - Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
5. Water Lines - Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
6. Parallel to or Extensions of Features - Boundaries indicated as a parallel to or extensions of features indicated in Subsections **(A)** through (E)above shall be so construed. Distances not specifically indicated on the Official or Current Zoning Maps shall be determined by the scale of the map.
7. Vacated Public Way - Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the vacated area shall be rezoned following the procedures of this Ordinance.
8. Boundary as a Condition of Zoning Approval - The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
9. Zoning Ambiguity - Where physical features on the ground conflict with information shown on the Official Zoning District Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections (A) through (H), the property shall be considered as classified, A – Agricultural District, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in this Ordinance for zoning upon annexation.

**V.**

**COMPLIANCE REQUIRED/INTERPRETATION/RULES OF CONSTRUCTION**

5.1. Compliance Required

1. Applicability Compliance with the Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the City which are hereafter:

(1) Occupied,

(2) Used,

(3) Erected,

(4) Altered,

(5) Removed,

(6) Placed,

(7) Demolished, or

(8) Converted.

2. Compliance with Zoning District

The land, buildings, structures or appurtenances described in 5.1. 1. above shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per this Ordinance.

*5.2.* Interpretation

1. Restrictiveness - Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.
2. Abrogation - The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
3. Cumulative Effect - The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
4. Error Correction - In the event that any property or Zoning District set forth on the Zoning District Map as provided in Subsection 4.3 Zoning District Mapof this Ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented according to the following.
   1. Applicants - The property owner of said tract or any member of the City Council may submit an application to the Director to initiate the error correction process.
   2. Process -The error correction shall be processed as a zoning map or text amendment according to the processes for such amendments set forth in this Ordinance.

E. City Secretary Authority to Interpret the Zoning Ordinance

* 1. Unless specified within a section, the City Secretary shall have the authority to interpret and enforce this Zoning Ordinance.
  2. A person aggrieved by the City Secretary’s interpretation may appeal the interpretation to the Council.

5.3 Accessory Uses and Structures

An accessory use or structure that is customarily incidental to the principal use or structure, and

is located on the same lot or tract of land, shall be permitted as an accessory use without being

separately listed as a permitted use, unless otherwise stated in these regulations. Accessory uses

are subject to the same regulations as the principal use. Accessory buildings shall comply with

the area requirements in Article 3 – Residential District Regulations.

5.4 Special Uses and Permits

1. Purpose - The Special Use Permit provides a means for developing certain uses in a manner in which the proposed use will be compatible with adjacent property and consistent with the character of the neighborhood. Special use permits are required where site specific impacts may exist that require additional review to ensure compatibility between uses.
2. Special Use Permit Required - The Use Regulations in Section 5.1 Land Use Charts state when a Special Use Permit is required for a use to be permitted in a zoning district. The Special Use Permit requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each Special Use Permit shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.
3. Application - An application for a Special Use Permit shall be submitted The City Council and shall include the following:
   * 1. A written description of the proposed use.
     2. A plan showing the location of the proposed use on the site.
     3. Any additional information required by the Director.
4. Review by the Council - The Council shall hold a public hearing and approve, approve with conditions, or deny the Special Use Permit based on the review criteria in “E”, below.
5. Review Criteria In granting a Special Use Permit, the Council shall determine that the proposed use:
   * 1. Complements or is compatible with the surrounding uses and community facilities;
     2. Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;
6. Is not detrimental to the public health, safety, or general welfare; Conforms in all other respects to all applicable zoning regulations and standards; and
7. Is in conformance with the Comprehensive Plan.
8. Additional Conditions - The Council may impose reasonable conditions upon the granting of a Special Use Permit consistent with the Comprehensive Plan, other state development goals and objectives of the City, and the requirements of other City regulations. Such conditions may include, but are not limited to the location, arrangement, operation, duration, and type and manner of construction of any use for which a Special Use Permit is requested.
9. Effect of Special Use Permit.
   * 1. The granting of a Special Use Permit has no effect on the uses permitted by right and does not waive the regulations of the underlying zoning district.
     2. A Special Use Permit runs with the land, a new owner is not required to reapply for a Special Use Permit unless a time limit that has been established runs out.
10. Zoning Map - When the Council authorizes granting of a Special Use Permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses. The amendment is to indicate the appropriate zoning district for the approved use and shall be suffixed by an “S” designation.

5.5 Temporary Uses

1. Purpose -Temporary uses operating for less than 90 days within a one-year time period shall obtain a Temporary Use Permit from the Building Official. Temporary Use Permits outline conditions of operations to protect the public health, safety, and welfare.
2. Temporary Use Defined - Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses are identified in *Section 5.1 Land Use Charts* and *5.2 Listed Uses*. In addition, the following uses and activities shall be considered temporary uses:
   1. Fundraising Activities by Not-for-Profit Agencies. Fundraising or noncommercial vents for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 48 hours.
   2. Special and Seasonal Sales Events - Significant commercial activities lasting not longer than 90 days intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer’s markets, Christmas tree lot sales, product demonstrations or parking lot sales of food, art work or other goods.
   3. Entertainment or Amusement Events - Short-term cultural and entertainment events including public or private events lasting not longer than 90 days intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.
3. Application - An application for a Temporary Use Permit shall be submitted to the Building Official at least 10 working days before the requested start date for a temporary use and shall include the following:
   1. A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event.
   2. A written description of how the temporary use complies with the review criteria in E, below.
   3. A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
   4. A letter from the property owner agreeing to the temporary use.
   5. Any additional information required by the Director.
4. Review and Action by the City Secretary - The City Secretary shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of application. Any applicant denied a permit by the City Secretary shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Council.
5. Review Criteria Temporary uses shall comply with the following requirements:
   1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this ordinance. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.
   2. 2. Compliance with Other Regulations. The temporary use shall conform in all respects to all other applicable City regulations and standards.
   3. 3. Restoration of Site. Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use. The applicant shall be responsible for ensuring the restoration of the site.
6. Hours of Operation and Duration. The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the Building Official at the time of approval of the temporary use permit.
7. Traffic Circulation. The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
8. Off-street Parking. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s).
9. Public Conveniences and Litter Control. Adequate onsite rest room facilities and litter control may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
10. Appearance and Nuisances - The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
11. Signs. The Building Official shall review all signage, although a sign permit is not required. The Building Official may approve the temporary use of attention attracting devices.
12. Additional Conditions - The Building Official may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, and guarantees for site restoration and cleanup following the temporary use.
13. Appeals - A denial of a temporary use permit may be appealed to the Council within 10 days of the City Secretary’s action. The appeal shall be made in writing to the City Secretary.

5.6 Classification of New and Unlisted Uses

1. Unlisted Uses -The uses permitted in this Ordinance are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed in this Ordinance are prohibited. However, additional new and unlisted uses may be permitted by the City Secretary if the use is similar to other uses listed in the same zoning district.
2. Appeals An applicant, aggrieved by the decision of the City Secretary, may file an appeal of the decision to the Council. The appeal shall be filed in writing in the City Council within 10 days of the City Secretary action. Unless otherwise stated in the Council action, the determination of the Council with respect to the appeal shall constitute a permanent and consistent interpretative decision which the Director shall apply in all future instances.
3. Conditions - When considering requests for a new land use, the Director shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate.
4. Authorization of New Uses - If a new use is authorized by the Council, a text amendment to this Ordinance shall be sent immediately to the Council for consideration.

**VI.**

**AGRICULTURE DISTRICT REGULATIONS**

6.1 Permitted Uses: A building or premise in an "A-1" District shall be used only for the following purposes:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

6.2 Permitted Specific Uses: The following specific uses shall be permitted in an "A-1" District, when granted in accordance with Section 17:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

* 1. Height and Area Regulations:

1. See Appendix 2, Area, Setback, Height, Coverage and Density Regulations

**VII.**

**"R-E" SINGLE FAMILY RESIDENTIAL - ESTATE**

General Purpose and Description - This district is designed to accommodate single family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single family residential uses, Densities in this district will not usually exceed one (1) unit per gross area.

7.1 Permitted Uses: A building or premise in an "RR-E" District shall be used only for the following purposes:

A. Uses as listed in Appendix 1, Schedule of Uses, of this Ordinance.

7.2 Permitted Specific Uses: The following specific uses shall be permitted in an "R-E" District, when granted in accordance with Section 17:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

7.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage, and Density Regulations.

**VIII.**

**"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS**

8.1 Permitted Uses:

A building or premise in an "R-1" District shall be used only for the following purposes:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

8.2 Permitted Specific Uses: The following specific uses shall be permitted in an "R-1" District, when granted in accordance with Section 17:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

8.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage and Density Regulations

**IX.**

**"R-2" TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS**

9.1 Permitted Uses: A building or premise in an "R-2" District shall be used only for the following purposes:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

9.2 Permitted Specific Uses: The following specific uses shall be permitted in an "R-2" District, when granted in accordance with Section 17:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

9.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage and Density Regulations

**X.**

**“MH-1" MANUFACTURED HOME AND MODULAR HOUSING DISTRICT**

General Purpose and Description: The "MH-1" Manufactured Home (HUD Code) and Modular Housing District is intended to provide for quality mobile home subdivision development containing many of the characteristics and atmosphere of a standard single family subdivision.

10.1 Use Regulations: A building or premise shall be used only for the following purposes:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

10.2 Permitted Specific Uses: The following specific uses shall be permitted in the MH-1 District, when granted in accordance with Section 17.

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

10.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage and Density Regulations.

10.4 Parking Requirements:

Two (2) spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 20.

* 1. Additional Restrictions Applicable to Mobile Home District:

1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
2. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
3. Tie-downs will be required and will be secured prior to occupancy.
4. Underpinning and skirting will be required and will be installed prior to occupancy.
5. Accessory buildings will be either manufactured or constructed in accordance with city codes.
6. All manufactured homes and modular homes shall comply with all regulations of the state of Texas and such regulations are hereby incorporated into this section.

See Appendix 2, Area, Setback, Height, Coverage, and Density Regulations for a summary of district regulations.

**XI.**

**"MH-2" MANUFACTURED HOME PARK DISTRICT**

General Purpose and Description

The "MH-2" Manufactured Home Park district is intended provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

11.1 Use Regulations:

A building or lat shall be used only for the following purposes:

1. Manufactured home park of not less than two (2) nor more than ten (10) acres in size.
2. Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only,recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.
3. Other uses as listed in Appendix 1, Schedule of Uses, of this Ordinance.

11.2 Permitted Specific Uses:

The following specific uses shall be permitted in the MH-2 District when granted in accordance with Section 17:

1. Boat and recreational vehicle and travel trailer storage yard.
2. Travel trailer and commercial over-night camping park.
3. Mobile home, travel trailer, recreational vehicle, and/or puck-up camper sales lot.
4. Other uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

11.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage, and Density Regulations.

11.4 Parking Requirements:

Two (2) spaces shall be provided per unit located on the lots plus additional spaces for accessory uses as required in Section 20.

11.5 Additional Restrictions Applicable to Mobile Home District:

1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
2. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
3. Tie-downs will be required and will be secured prior to occupancy.
4. Underpinning and skirting will be required and will be installed prior to occupancy.
5. Accessory buildings will be either manufactured or constructed in accordance with city codes.
6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

See Appendix 2, Area, Setback, Height, and Coverage Regulations for a summary of district regulations.

**XII.**

**"MF" MULTI-FAMILY RESIDENTIAL DISTRICT**

The "MF" District is intended to provide for medium to higher density residential development. The district functions as a buffer or transition between major streets, non-residential areas, or higher density residential areas and lower density residential areas. Density in this district does not ordinarily exceed twenty (20) units per acre.

12.1 Use Regulations: A building or premise shall be used only for the following purposes:

1. Three (3) or more single family attached dwelling units, provided that no more than seven (7) dwelling units are attached in one continuous row or group.
2. Duplex.
3. Multifamily dwelling.
4. Other uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

12.2 Permitted Specific Uses:

The following specific uses shall be permitted when granted in accordance with Section 17:

1. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

12.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage and Density Regulations.

12.4 Parking Regulations:

Two and one-half (2.5) off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Off-street parking spaces shall be provided in accordance with the requirements set forth in Section 20.

12.5 Refuse Facilities:

Every dwelling unit in a municipality complex shall be located within two hundred fifty (250) feet of a refuse facility. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided, Each refuse facility shall be screened immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and safety regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

12.6 Screening Fence:

Border fencing of wood or masonry of not less than six (6) feet in height, shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

See Appendix 2, Area, Setback, Height, Coverage, and Density Regulations for a summary of district regulations.

**XIII.**

**"B-1" OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES DISTRICT REGULATIONS**

13.1 Permitted Uses: A building or premise in an "B-1" District shall be used only for the following purposes:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

13.2 Permitted Specific Uses: The following specific uses shall be permitted in an "B-1" District, when granted in accordance with Section 17:

A. Uses as listed in Appendix 2, Schedule of Uses, of this ordinance.

13.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage and Density Regulations

**XIV.**

**"B-2" GENERAL BUSINESS DISTRICT REGULATIONS**

14.1 Permitted Uses: A building or premise in an "B-2" District shall be used only for the following purposes:

A.Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

14.2 Permitted Specific Uses:

The following specific uses shall be permitted in an "B-1" District, when granted in accordance with Section 17:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

14.3 Height and Area Regulations:

See Appendix 2, Area, Setback, Height, Coverage, and Density Regulations.

**XV.**

**"I-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS**

General Purpose and Description: The I-1 District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 District is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the I-2 District may be permitted in the I-1 District.

15.1 Use Regulations:

Uses permitted in the I-1 District are subject to the following conditions:

1. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.
2. All storage within one hundred (100) feet for a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
3. Permitted uses in the I-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
4. Permitted uses in the I-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.
5. Permitted uses in the I-1 District shall not create fire hazards on surrounding property.

15.2 Permitted Uses:

Permitted uses in the I-1 District include the following:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

15.3 Permitted Specific Uses:

The following specific uses shall be permitted in the I-1 District when granted in accordance with Section 17:

A. Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

15.4 Height and Area Regulations:

See Appendix 2, Area, setback, Height, Coverage and Density Regulations.

15.5 Special Yard and Lot Regulations:

1. Side Yards: When the industrial district is adjacent to any residential district, a minimum side yard of twenty (20) feet shall be observed and a six (6) foot solid masonry or wood shall be constructed adjacent to the residential district's property line.
2. Rear Yards: There shall be a rear yard of depth of twenty (20) feet, unless adjacent to a residential district, in which case a fifty (50) foot rear setback shall be observed and a six (6) foot solid masonry or wood wall shall be constructed adjacent to the residential district's property line.

15.6 Parking Regulations:

Off-Street parking requirements shall be provided in accordance with the specific uses set forth in Section 20.

See Appendix 2, Area, Setback, Height, Coverage and Density Regulations for a summary of district regulations.

**XVI.**

**"I-2" HEAVY INDUSTRIAL DISTRICT**

General Purpose and Description:

The I-2 District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

16.1 Use Regulations:

Uses permitted in the I-2 District are subject to the following regulations:

1. All business, servicing, or processing, except for off-street parking, off street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated.
2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
3. All uses permitted in the I-2 district must meet the following performance standards and city ordinances are met:
   * 1. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;
     2. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;

* + 1. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
    2. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health regulations pertaining to radiation control;
    3. Noise: No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed 75 DB (A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and
    4. Water Pollution: No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

16.2 Permitted Uses:

The following uses shall be permitted:

Uses as listed in Appendix 1, Schedule of Uses, of this ordinance.

16.3 Permitted Specific Uses:

The following specifics shall be permitted in the I-2 District when granted in accordance with Section 17:

1. Uses as listed in Appendix 1, Schedule of Use, of this Ordinance.
2. Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this subsection shall be made in accordance with Section 22.

16.4 Height Regulations: No building shall exceed one hundred (100) feet in height, except cooling towers, vent stacks or mechanical equipment rooms may project not more than twelve (12) feet beyond maximum building height.

16.5 Additional Area Regulations:

1. Side Yard: There shall be a side yard on each side of the lot having a width of not less than ten (10) feet, except that the minimum side yard dept on a corner lot adjacent to a street shall be twenty-five (25) feet. When the industrial district is adjacent to any residential district, a minimum side yard of twenty (20) feet shall be observed and a six (6) foot solid masonry wood wall shall be constructed adjacent to the residential district's property line.
2. Rear Yards: There shall be a rear yard having a required depth of not less than twenty (20) feet, unless adjacent to a residential district, in which case a fifty (50) foot rear setback shall be observed.

16.6 Parking Regulations:

Required off-street parking shall be provided in accordance with the specific uses set forth in Section 20.

**XVII.**

**"I-2" HEAVY INDUSTRIAL DISTRICT**

The designated Central Business District of the City of Trenton shall include the area bounded by Blocks 11, 12, 13, 19 and the western one-half of Block 2 of the Holmes Addition to the City of Trenton. A map of the designated CBD is included in this Ordinance as Appendix 3. This is zoning the property.

**XVIII.**

**CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND**

**DISTRICTS AND ADMINISTRATIVE PROCEDURES**

A. Declaration of Policy - The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulations or map.

2. To recognize changed or changing conditions or circumstances in a particular locality.

3. To recognize changes in technology, the style of living, or manner of doing business.

B. Authority to Amend Ordinance - The Council may from time to time, after public hearings as required by law, amend, supplement, or change the regulations provided in this ordinance or the boundaries of the zoning districts. All amendments shall be effective only upon passage of an ordinance making the appropriate amendments.

C. Public Hearing and Notice - The Council shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property located within the area of application and within 200 feet of any property affected by the zoning change, within not less than 10 days before the hearing is held. The notice may be served by using the last known address as listed on the City tax rolls and depositing the notice, postage paid, in the United States mail. Notice of hearings shall be published one time not less than 15 days prior to the public hearing in the official newspaper of the City. Any ordinance adopted pursuant to this Section may not be adopted until after the public hearing and after the 30th day after the date the written notice was mailed to owners within 200 feet.

D. Council Consideration - In making its determination, the Council shall consider, among other things, the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.

2. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the areas and shall note the findings.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and special circumstances which may make a substantial part of the vacant land unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether the designation for other areas should be modified also.

6. Any other factors which will substantially affect the health, safety, morals or general welfare of the residents of the City.

E. Council Vote

1. Approval - No ordinance adopting a change shall become effective until after the adoption of an ordinance by a majority vote for the change and its publication as required by law.

2. Denial of the Request with Prejudice - The Council may deny any request with prejudice. If a request has been denied with prejudice the same or substantially similar request may not be resubmitted to the City for one year from the original date of denial.

4. Three-fourths Vote - A favorable vote of three-fourths of the Council shall be required to approve any change in zoning when written objections are received which comply with the provision of the state laws commonly referred to as the “20 percent rule.” If a protest against a proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of 20 percent or more, either of the area of lots included in the proposed change or those immediately adjacent to the area of the proposed change and extending 200 feet from the street frontage of the opposite lots, the amendments shall not become effective except by a three-fourths vote of The Council.

F. Final Approval and Ordinance - Upon approval of the zoning request by the Council, preparation of the amending ordinance shall begin immediately. Any ordinance adopted pursuant to this Section may not be adopted until after the public hearing and after the 30th day after the date the written notice was mailed to owners within 200 feet. The amending ordinance shall be ready for Council action at the first regular council meeting following expiration of the 30 day period. At any time prior to enactment of the amending ordinance, the zoning request, at the option of the Council, may be recalled for a new public hearing.

**XIX.**

**VALIDITY, SEVERANCE, AND CONFLICT**

If any section, paragraph, clause, phrase of provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be served from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. The extent any provision of this ordinance conflicts with other ordinances of the City of Trenton the terms of this ordinance shall control.

**XX.**

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

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The Schedule shall be posted in the office of the City Secretary and may be altered or amended only by the City Council. Fees must be paid in full prior to any action being taken, permit granted, etc.

The exact charge for the following services will be established by separate ordinance:

1. For docketing a zoning petition
2. For docketing an application for relief

**XXI.**

**PENALTY FOR VIOLATIONS**

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars ($2,000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies may be available at law and equity in the protection of the rights of such property owners.

PASSED AND APPROVED on this the \_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor City Secretary

DESCRIPTION/DEFINITIONS OF USES

RESIDENTIAL USES

1.1 BOARDING OR ROOMING HOUSE - A building, other than a hotel or multiple family dwelling, where lodging is provided for three (3) or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.

1.2 DORMITORY: A building in which housing is provided for individual students under to general supervision or regulation of an accredited college, or university and as distinguished from an apartment. Hotel. Motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suits of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge and study area, dining halls, and accessory kitchen, recreation facilities and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

1.3 GARDEN (PATIO) HOME: A free-standing, detached structure used for residential purposes, built in accordance with standards set out in Section

1.4 GUEST HOUSES: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

1.5 MANUFACTURED HOUSING, HUD CODE: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) 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 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. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

1.6 MANUFACTURED HOME (HUD CODE) PARK: Any tract of land under single ownership of not less than eight (8) acres and not more than twenty-five (25) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Trenton relating to the location, use construction, operation,or maintenance of manufactured housing.

1.7 MANUFACTURED HOME (HUD CODE) SUBDIVISION: A tract of land of not less than ten (10) acres which has been platted of record in its entirety in accordance with the subdivision regulations of the city and in accordance with the "Specific Use" section of the Zoning Ordinance.

1.8 MOBILE HOME: A structure 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 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.

1.9 MOTEL, MOTOR HOTEL, OR MOTOR LODGE: A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

1.10 MULTIPLE FAMILY RESIDENCE: Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3)or more dwelling units or apartments or which is occupied as a home or place of residency by three (3) or more families living in independent dwelling units.

1.11 RESIDENCE HOTEL: A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house, and recreational facilities intended for the use of residences and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.

1.12 RETIREMENT HOUSING: A development providing dwelling units specifically designed for the needs of ambulatory persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public.

* + 1. cafeteria and/or dining room
    2. library
    3. game room
    4. swimming pool and/or Jacuzzi
    5. exercise room
    6. arts and crafts facilities
    7. greenhouse
    8. housekeeping service
    9. transportation service
    10. snack bar with a maximum of 350 square feet per 100
        1. dwelling units.
    11. beauty/barber shop with a maximum of 250 square feet
        1. per 100 dwelling units or a maximum of 450 square feet per
        2. 100 dwelling units.
    12. Convenience retail shop with maximum of 350 square feet
        1. per 100 dwelling units to provide for sale of food items,
        2. On-prescription drugs, small household items, and gifts.

1.13 SERVANT'S, CARETAKER'S, OR GUARD'S RESIDENCE: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his or her actual working time, and not otherwise used to designed as a separate place of abode, provided the living area of such servant's quarters shall not exceed six hundred (600) square feet.

1.14 SINGLE FAMILY DWELLING, ATTACHED: A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.

1.15 SINGLE FAMILY DWELLING, DETACHED: A detached building designed exclusively for occupancy by one (1) family.

1.16 TOWNHOUSE OR ROW DWELLING: One of a series of not less than three (3)nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

1.17 TRAVEL TRAILER: A vehicular portable structure designed for a temporary or short-term occupancy for travel, recreation and vacation uses. These units shall be eight (8) feet or less in width and thirty-five (35) feet or less in length.

1.18 TWO-FAMILY DWELLING: A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.

1.19 ZERO LOT LINE HOUSE: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

**EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES**

2.1 CHURCH, RECTORY OR PLACE OF WORSHIP: A building for regular assemble for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.

2.2 CIVIC CENTER: A building or complies of buildings that house municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

2.3 COLLEGE OR UNIVERSITY: An institute established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

2.4 COMMUNITY CENTER, PUBLIC: A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the city.

2.5 COMMUNITY CENTER, PRIVATE: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial for profit, business.

2.6 CONTINUING CARE FACILITY: A place as defined in the Texas Continuing care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services or other health related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life f the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity, or affinity to the person providing the care. (Also see HOUSEHOLD CARE FACILITY, HOUSEHOLD CARE INSTITUTION and PERSONAL CARE HOME).

2.7 COUNTRY CLUB: A land area and buildings customarily containing a golf course and a clubhouse and available only to private specific membership; such a club may contain adjacent facilities such a private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

2.8 DAY CARE CENTER: A child care facility providing care, training, education, custody, treatment, or supervision for less than 24 hours a day for more than four (4) children. The term "day care center" shall not include overnight lodging, medical treatment, counseling or rehabilitative services and does not apply to any school. No portion of the day care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials. Site plan approval by the City Council shall be required for all day care center sites. (Also see REGISTERED FAMILY HOME).

2.9 EXHIBITION AREA: An area or space either outside or within a building for the display of topic-specific goods or information.

2.10 FAIRGROUNDS: An area where outdoor fairs, circuses or exhibitions are held.

2.11 FAMILY HOME: A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

* 1. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time.
  2. The home must provide food and shelter, personal guidance, care, habilitation services or supervision.
  3. All applicable licensing requirements must be met.

2.12 FARM, RANCH, OR ORCHARD: An area of five (5) acres or more which is used for growing of unusual farm products and/or raising of usual farm poultry and farm animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

2.13 FRATERNAL ORGANIZATION, LODGE, OR CIVIC CLUB: An organized group having a restricted membership and specific purpose related to the welfare of the members.

2.14 GOLF COURSE: An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

2.15a GREENHOUSE, NON-COMMERCIAL: A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

2.15b GREENHOUSE OR PLANT NURSERY, COMMERCIAL: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, includes related storage of equipment for landscape contracting.

2.16 HOSPITAL (CHRONIC CARE): An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged or disabled due to injury or disease and which is licensed by the State of Texas.

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

2.18 HOUSEHOLD CARE FACILITY: A dwelling unit which provides residence and care to not more than nine (9) 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 adversity, living together with not more than two supervisory personnel as a single housekeeping unit. (See also HOUSEHOLD CARE I INSTITUTION, PERSONAL CARE HOME and CONTINUING CARE FACILITY).

2.19 HOUSEHOLD CARE INSTITUTION: A facility which provides residence and care to ten (10) 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 rendered temporarily due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also HOUSEHOLD CARE FACILITY, PERSONAL CARE HOME and CONTINUING CARE FACILITY).

2.20 KENNEL: Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, tanning, selling, grooming, and/or bathing for which remuneration is received.

2.21 LIBRARY: Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

2.22 MUSEUM OR ART GALLERY: An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasipublic agency and which facility is open to the general public.

2.23 NURSERY SCHOOL, KINDERGARTEN: A child care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years of age.

2.24 NURSING HOME: see REST HOME of NURSING HOME.

2.25 PARK, PLAYGROUND, OR COMMUNITY CENTER (PUBLIC): An open recreation facility or park owned and operated by a public agency and available to the general public.

2.26 PARK, PLAYGROUND OR COMMUNITY CENTER (PRIVATE): A privately owned park playground, open space or building dedicated to recreational activities, maintained by a community club, property owner’s association, or similar organization.

2.27 PERSONAL CARE HOME (CUSTODIAL CARE): An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable of self-preservation because of physical or mental limitations in performing routine activities and which does not require the continuing attention of trained medical or paramedic personnel. (Also see CONTINUING CARE FACILITY)

2.28 PLANT NURSERY: See GREENHOUSE.

2.29 REGISTERED FAMILY HOME: A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 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, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see DAY CARE CENTER.)

2.30 REHABILITATION CARE FACILITY: A dwelling unit which provides residence and care to not more than nine (9) 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 supervisory personnel as a single housekeeping unit.

2.31 REHABILITATION CARE INSTITUTE: A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

2.32 REST HOME OR NURSING HOME: A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

2.33 SCHOOL, PRIVATE (PRIMARY OR SECONDARY): An institution of learning having a curriculum equivalent to public schools but not including specialty schools, such as dancing, music, beauty, mechanical, trade, swimming, or commercial schools.

2.34 SCHOOL, TRADE, OR COMMERCIAL: Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction in a trade, art, or occupation.

2.35 STABLE, COMMERCIAL: Structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sale barn, auction or similar trading activity.

2.36 STABLE (PRIVATE): An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.

2.37 STADIUM OR PLAYFIELD (PUBLIC): An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

**TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES:**

3.1 AIRPORT; HELIPORT: A place where and aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

3.2 ELECTRICAL SUBSTATION: A subsidiary station in which electric current is transformed. 3.3 GAS METERING STATION: Facility at which natural gas flows are regulated and recorded.

3.4 PUBLIC OR PRIVATE FRANCHISED UTILITY: 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 Trenton. Such utility requires special facilities in residential areas or on public property such as heating, cooling or communications.

3.5 RADIO, TELEVISION, OR MICROWAVE COMMUNICATIONS OPERATIONS, (AMATEUR): The transmission, retransmission or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

3.6 RADIO, TELEVISION, and OR MICROWAVE COMMUNICATIONS OPERATIONS, (COMMERCIAL): The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

3.7 RAILROAD STATION: Any premises for the transient parking of trains and the loading and unloading of passengers.

3.8 RAILROAD TEAM TRACK AND RIGHT-OF-WAY: A facility/place for the loading and unloading of materials on trains.

3.9 RAILROAD TRACK AND RIGHT-OF-WAY: Includes track and undeveloped right-of-way but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.

3.10 SERVICE YARD OF GOVERNMENTAL AGENCY: An area for the servicing and storage of certain vehicles, mechanical items or other property of a governmental agency.

3.11 SHOPS, OFFICE, AND STORAGE AREA OF PUBLIC OR PRIVATE UTILITY: The pole yard, maintenance yard, and/or administrative office of the municipality or franchised utility.

3.12 SOLID WASTE TRANSFER STATION: A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

3.13 TELEPHONE EXCHANGE: A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.

**AUTOMOBILE AND RELATED SERVICE USES:**

4.1 AUTO LAUNDRY: A building or portion thereof containing facilities for washing automobiles using automated methods including chain conveyor, steam cleaning device, or other mechanical devices.

4.2 AUTO LEASING: Storage and leasing of automobiles, motorcycles, and light load vehicles.

4.3 AUTO PARTS SALES (In building): The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

4.4 AUTO PARTS SALES (In open): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

4.5 AUTOMOBILE REPAIR, MAJOR: General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor"; and other similar uses.

4.6 AUTOMOBILE REPAIR, MINOR: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.

4.7 AUTOMOBILE AND TRAILER SALES AREA, NEW: (Building(s) and associated open area other than a street or required automobile parking space for the display or sale of primarily new automobiles and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

4.8 AUTOMOBILE AND TRAILER SALES AREA, USED: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

4.9 AUTOMOBILE SERVICE STATION: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquified petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the above services shall not be construed to include major overall, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axes, steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.

4.10 AUTO STORAGE: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage.

4.11 AUTOMOBILE WRECKING YARD OR JUNK YARD: Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale or dumping of dismounted or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.

4.12 BUS TERMINAL: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

4.13 CAR WASH: Structure used to wash motorcycles, automobiles and light load vehicles.

4.14 PARKING LOT OR PARKING GARAGE, AUTOMOBILE: Area for parking light load vehicles.

4.15 PARKING LOT OR PARKING GARAGE, TRUCK: Area for parking heavy load vehicles.

4.16 QUICK OIL CHANGE FACILITY: A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removal by pumper trucks.

4.17 QUICK TUNE FACILITY: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts, and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes or mufflers.

4.18 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 is done.

4.19 TRUCK AND BUS REPAIR: An establishment providing major and minor automobile repair services to heavy load vehicles.

4.20 TRUCK OR MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck.

**RETAIL AND SERVICE TYPE USES:**

5.1 AIR CONDITIONING AND REFRIGERATION CONTRACTOR: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification or a product or of equipment in environmental air conditioning, commercial refrigeration or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License law, V.A.C. T., ss8861.

5.2a AMUSEMENT, COMMERCIAL (Indoor): An establishment providing for activities, services and instruction for the entertainment, exercise, and improvement of fitness, and health of customers, clients, or members but not including hospitals, clinics, massage parlors, or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracts.

5.2b AMUSEMENT, COMMERCIAL (Outdoor): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-cart tracks and carnivals.

5.3 ANTIQUE SHOP: A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period with all sales and storage occurring inside a building.

5.4 ARCADE: An establishment in which there are located six (6) or more coin operated skill or pleasure machines.

5.5a BAKERY AND CONFECTIONERY, RETAIL SALES: a place for preparing, cooking, baking and selling of products on the premises.

5.5b BAKERY AND CONFECTIONERY WORKS, COMMERCIAL: A place for preparing, cooking, or baking of products primarily intended for off-premise distribution.

5.6 BANK, SAVINGS AND LOAN OR CREDIT UNION: An establishment for the custody, loan, exchange, or issue of money, the extension of credit, and/or facilitating the transmission of funds.

5.7a BARBER SHOP: A place where barbering, as defined in Texas Barber, V.A.C.T. ss8407, is practices, offered, or attempted to be practiced, except where such place is duly licensed as a barber school or college.

5.7b BARBER SCHOOL OR COLLEGE: A place of training for practice of barbering, as defined in Texas Barber Act, V.A.C.T. ss8407, meeting standards established in Section 9 of said Texas Barber Act.

5.7c BEAUTY CULTURE SCHOOL, PRIVATE OR COSMETOLOGY SPECIALTY SHOP: A specialized place of training, as defined in the Cosmetology Regulatory Act, V.A.C.T., ss8451.

5.7d BEAUTY SHOPS: A place where cosmetology, as defined in the Cosmetology Regulatory Act, V.A.C.T., ss8451, is practiced.

5.8 BUILDING MATERIALS SALES: The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

5.9 BUSINESS SERVICE: Establishment primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

5.10 CABINET AND UPHOLSTERING SHOP: An establishment used for the production, display and sale of furniture and soft coverings for furniture.

5.11 CLEANING, SMALL PLANT OR SHOP: A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see DRY CLEANING PLANT, definition 6.2 in this section.)

5.12 CLINIC, MEDICAL OR DENTAL: A facility or station designed and used for the examination and treatment or persons seeking medical care as out-patients who do not remain on the premises overnight.

5.13 CONVENIENCE STORE: A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

5.14 CUSTOM PERSONAL SERVICE SHOP: Includes such uses as tailor, shoe repair, beauty/barber shop, health studio, or travel consultant.

5.15 DISCOUNT, VARIETY OR DEPARTMENT STORE: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

5.16 FEED STORE: An establishment for the selling of corn, grain, and other food stuffs for animals and livestock and including other implements and goods related to agricultural processes but not including farm machinery.

5.17 FLEA MARKET: A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services, establishments, retail sales establishments, and auction establishments.

5.18 FLORIST: An establishment displaying plants, flowers, floral supplies, and similar items.

5.19 FOOD STORE: Establishments that displays and sells consumable goods that are not to be eaten on the premises.

5.20 FURNITURE AND APPLIANCE STORE: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

5.21 GARDEN CENTER (Retail Sales): Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

5.22 GENERAL MERCHANDISE STORE: Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores general stores, and other similar stores.

5.23 HOUSEHOLD APPLIANCE SERVICE AND REPAIR: The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, counter top kitchen appliances, vacuum cleaner, and hair dryers.

5.24 LABORATORY, SCIENTIFIC AND RESEARCH: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

5.25 LAUNDRY AND CLEANING, SELF-SERVICE: An establishment including facilities for laundering and cleaning or clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

5.26a METAL DEALER, SECONDHAND: A place of business in which a person purchases, gathers, collects, solicits, or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in V.A.C.T., ss9009. (Also see JUNK OR SALVAGE YARD).

5.26B METAL DEALER, CRAFTED PRECIOUS: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made, in whole or in part, from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in V.A.C.T. ss9009a.

5.27 MISCELLANEOUS RETAIL STORES: Establishments engaged in the retail sale of specialized lines of merchandise not elsewhere classified, including but not limited to apparel and accessories, handcraft, and pastries.

5.28 OFFICE CENTER: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

5.29 OFFICE, PROFESSIONAL OR GENERAL ADMINISTRATIVE: A room or group of rooms used for the provision of executive, management, 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 association but excluding medical offices.

5.30 PAWN SHOP: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

5.31 PERSONAL SERVICE SHOP: An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.

5.32 PET SHOP: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

5.33 PLUMBING, HEATING, REFRIGERATION, OR AIR CONDITIONING BUSINESS: An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air-conditioning. (Also see AIR CONDITIONING AND REFRIGERATION CONTRACTOR).

5.34 PLUMBING SERVICE: The operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and suppliers incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.

5.35 PORTABLE BUILDING SALES: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

5.36 POST OFFICES, GOVERNMENT AND PRIVATE: Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

5.37 PRINT SHOP: An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, plate making, microform, type casting, presswork, and print making.

5.38 RACQUETBALL FACILITIES: Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.

5.39 GENERAL REQUIREMENTS APPLICABLE TO ALL RESTAURANTS OR CAFETERIAS: Restaurants or Cafeterias that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections. A Restaurant or Cafeteria that sells alcohol shall not be located within the following:

1. Three hundred (300) feet from a church, public hospital, and/or public school; and

2. One thousand (1000) feet from a public school if the City Council receives a request for this additional spacing requirement from the school district, and the City Council adopts such additional spacing requirements by resolution.

Measurement for the distance between a Restaurant or Cafeteria where alcohol beverages are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

Measurement for the distance between a Restaurant or Cafeteria where alcoholic beverages are sold and a public school shall be:

1. In a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

2. If the restaurant that sells alcohol is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the Restaurant or Cafeteria is located.

If a Restaurant or Cafeteria receives seventy-five percent (75%) or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages for on-premise consumption, the use will no longer qualify as a Restaurant or Cafeteria and will be classified and regulated by the City as an Alcoholic Beverage Establishment (See 5.48 below).

5.39a RESTAURANT OR CAFETERIA, WITH DRIVE-IN OR DRIVE-THROUGH SERVICE: An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises but providing service to persons in cars.

5.39b RESTAURANT OR CAFETERIA, WITHOUT DRIVE-IN OR DRIVE-THROUGH SERVICE: An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises.

5.39c RESTAURANT (DRIVE-IN TYPE): An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

5.39d RESTAURANT (DRIVE-THROUGH): An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.

5.40 RETAIL STORES AND SHOPS: Establishments offering all types of consumer goods for sale, but excluding the display and sale in the open outside a building, of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

5.41 SECOND HAND STORE, FURNITURE OR CLOTHING: An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

5.42 SERVICE RETAIL: An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor is devoted to service, repair, or fabrication of such goods. The service area must not be accessible to the general public, automotive uses and rental stores are specifically excluded.

5.43 SHOPPING CENTER: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

5.44 THEATER (OUTDOOR): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

5.45 TRAILER, MANUFACTURED HOUSING, OR MOBILE HOME DISPLAY AND SALES: The offering for sale, storage, or display of trailers, manufactured housing or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

5.46 TRAILER RENTAL: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

5.47 WASHATERIA: A building or place where clothes and linens are washed and thoroughly dried by the use on not exceeding three (3) employees and four (4) automatic single family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See LAUNDRY AND CLEANING, SELF SERVICE).

5.48 WET ESTABLISHMENT/ALCOHOL RELATED DEFINITIONS:

A. Alcoholic Beverage Establishment- Any establishment that derives seventy-five (75) percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Alcoholic Beverage Code, as amended, for on-premise consumption. An Alcoholic Beverage Establishment shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

An Alcoholic Beverage Establishment shall not be located within:

* 1. Eight Hundred (800) feet from a church, public hospital, public school, private school, and/or residential zoning district. Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course.
  2. One Thousand (1000) feet from a public school if the City Council receives a request for this additional spacing requirement from the school district, and the City Council adopts such additional spacing requirements by resolution; and
  3. One Thousand (1000) feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City Council adopts the additional spacing requirements by resolution.

Measurement for the distance between an Alcoholic Beverage Establishment and the uses listed above or the nearest residential zoning district shall be in a straight line from the nearest property line of the lot where the Alcoholic Beverage Establishment is located, without regard to intervening structures or objects, to the nearest property line of the lot where the church, public hospital, public school, and/or private school is located.

B. Package Sales- An establishment principally for the retail sale of alcoholic beverages, as defined in the Alcoholic Beverage Code, as amended, to the general public for off-premise consumption and rendering services that are incidental to the sale of such goods. A Package Sales establishment shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections. Beer sales are not permitted in residential zoning districts.

Package Sales establishment shall not be located within the following:

* + 1. Three hundred (300) feet from a church, public hospital, public school, and/or private school. but, a Package Sales establishment may be located within three hundred (300) feet of a private school if minors are prohibited from entering the package store;
    2. One thousand (1000) feet from a public school if the City Council receives a request for this additional spacing requirement from the school district, and the City Council adopts such additional spacing requirements by resolution; and
    3. One thousand (1000) feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City Council adopts the additional spacing requirements by resolution. But, the City Council may not adopt this additional spacing required if minors are prohibited from entering the Package Sales establishment.

Measurement of the distance between the Package Sales establishment and the church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections. Measurement for the distance between the Package Sales establishment and a public or private school shall be:

1. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections;
2. or If the Package Sales establishment is located on or above the fifth (5th) story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the Package Sales establishment is located.

**MANUFACTURING, STORAGE, AND WAREHOUSING USES:**

6.1 BOTTLING WORKS: A manufacturing facility designed to place a product into a bottle for distribution.

6.2 DRY CLEANING PLANT: An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see CLEANING, SMALL PLANT OR SHOP, Definition 5.12 of this section.)

6.3 GENERAL COMMERCIAL PLANT: An establishment other than a personal service shop for the treatment and/or processing of products as a service on the for-profit basis including but not limited to, newspaper printing, laundry plant, or cleaning and drying plant.

6.4 GENERAL MANUFACTURING: Manufacturing of finished products and component products or parts from the transformation, treatment, or professing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

6.5 INDUSTRIAL PARK: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses. With special attention to circulation, parking, utility needs, aesthetics, and compatibility.

6.6 JUNK OR SALVAGE YARD: A lot upon which waste, or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handled including but not limited to scrap iron and other metals, paper rags, rubber tires and bottles. A "junk yard" included an automobile wrecking yard and automotive parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building. (Also see METAL DEALER, SECONDHAND).

6.7 LIGHT MANUFACTURING: 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.

6.8 SELF-STORAGE, MINI-WAREHOUSE: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

6.9 STORAGE OR WHOLESALE WAREHOUSE, LIGHT: A building used primarily for the storage of goods and materials and containing less than 5,000 square feet of floor space.

6.10 STORAGE OR WHOLESALE WAREHOUSE, HEAVY: A building used primarily for the storage of goods and materials containing more than 5,000 square feet of floor space.

**ACCESSORY USES:**

7.1 ACCESSORY BUILDING OR USE: An accessory building or use is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served.

7.2 CARPORT: A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed twenty-four (24) feet on its longest dimension

7.3 CONSTRUCTION YARD (TEMPORARY): A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office.

7.4 FIELD OFFICE: A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative function related to development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted only by the City Council. Upon due notice and hearing by and before the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic or other conditions considered to be a nuisance or hazard.

7.5 CUSTOMARY HOME OCCUPATION: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

1. Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence
2. That no person other than members of a family who reside in the residential dwelling be engaged in such occupation, profession, domestic craft or economic enterprise.
3. That such use be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation profession, domestic craft or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling
4. That, to prevent increased traffic congestion in residential area, no advertising of the occupation, profession, domestic craft or enterprise be conducted by means of any commercial communication media, or by the use of any other device such as a sign, display, handbill, or other visible indication thereof displayed inside or outside the residential dwelling.
5. That the residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal
6. That no exterior storage of material, equipment and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise be placed, permitted or allowed on the premises occupied by the residential dwelling
7. That there be no offensive noise, vibration, smoke, dust, odors, heat, or glare beyond the property line.
8. That such occupation, profession, domestic craft or enterprise be wholly within the residential dwelling and no accessory building be used in conjunction therewith
9. That no stock, goods, wares, or merchandise be sold or kept for sale on the premises.
10. That only equipment be used in such occupation, profession, domestic craft, or enterprise that is ordinarily used in a private home in a like amount and kind.

7.6 GARAGE, PRIVATE: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.