

ZONING ORDINANCE
Chapter 32, Code of Ordinances

Ordinance Number O-87-13
Adopted March 26, 1987

City of Marshall, Texas
Includes amendments by ordinance numbers O-90-10, O-90-15, O-92-03

The City of Marshall assumes no liability or responsibility for the updating or future revision of this booklet or the consequences resulting therefrom.

Printed: July, 2001

TABLE OF CONTENTS

		Page
SECTION 1	ENACTING CLAUSE	1
SECTION 2	REPEAL OF PREVIOUS ORDINANCES	1
SECTION 3	ADOPTION OF STATUTES AUTHORIZING ZONING ORDINANCE.....	1
SECTION 4	PURPOSE AND SCOPE.....	1
4.01	Purpose	1
4.02	Scope	2
SECTION 5	COMPLIANCE REQUIRED	2
SECTION 6	NONCONFORMING USES	2
6.01	Nonconforming uses defined.....	2
6.02	Nonconforming uses at the time of adoption of this Article may continue, effect of discontinuance	2
6.03	Nonconformance with yard, lot, area, parking, or similar requirements other than use of property	2
6.04	Structural changes.....	3
6.05	Maintenance	3
6.06	Obsolescence or destruction	3
6.07	Trial of law suit not to be estoppel by request For nonconforming designation.....	3
6.08	Illegal uses or structures	3
6.09	Legal action	3
SECTION 7	ZONING DISTRICTS ESTABLISHED	4
SECTION 8	ZONING DISTRICT MAP	4
8.01	Adoption of map.....	4
8.02	Official map.....	4
8.03	Copies of map.....	4
8.04	Zoning district boundary lines	5
SECTION 9	ZONING DISTRICT BOUNDARIES	5
SECTION 10	NEWLY ANNEXED AREAS	6
10.01	Temporary classification	6
10.02	Procedure for establishing zoning	6
10.03	Recommendation by Planning and Zoning Commission.....	6

SECTION 11	USES LIMITED	6
SECTION 12	PERMITS FOR AREAS TEMPORARILY ZONED A-E	6
SECTION 13	PLANNING AND ZONING COMMISSION	6
13.01	Creation, membership, filling vacancies.....	6
13.02	Compensation, meetings, organization.....	7
13.03	Rules, regulations and bylaws, quorum.....	7
13.04	Recommendations, cooperation.....	7
13.05	Recommending Comprehensive Plan, other duties	7
SECTION 14	PROCEDURE FOR AMENDING THIS ARTICLE	7
14.01	City Planning and Zoning.....	7
14.02	Public hearing.....	8
14.03	Effect of protest	8
14.04	Waiting period for resubmittal of request.....	8
SECTION 15	INTERPRETATION AND ENFORCEMENT	8
15.01	Method of and appeals from interpretation and enforcement.....	8
15.02	Circumstances for application of greater restrictions	8
SECTION 16	PENALTY FOR VIOLATION OF ARTICLE.....	9
SECTION 17	COMPLETION OF EXISTING BUILDINGS.....	9
17.01	Buildings under construction.....	9
17.02	Buildings for which permits issued	9
17.03	Effect of amendments	9
17.04	Nonconforming designation	9
SECTION 18	PERMITS	9
18.01	Site plan required.....	9
18.02	Failure to comply with plans and conditions of permit	10
SECTION 19	GENERAL DEFINITIONS	10
19.01	Number, tense, and similar terms	10
19.02	Definitions of words and terms.....	10
SECTION 20	ZONING DISTRICT PURPOSES AND PROHIBITED USES	22
20.01	A-E Agriculture and Estate District.....	22
20.02	R-1 Single Family Detached Residential District.....	22
20.03	R-2 Single Family Detached Residential District.....	23
20.04	R-3 Single Family Detached Residential District.....	23

20.05	R-4 Single Family Detached Residential District.....	24
20.06	R-5 Single Family Attached Residential District.....	25
20.07	R-6 Duplex, Triplex, Quadraplex Residential District	25
20.08	MF Multifamily Residential District	26
20.09	MH Mobile Home District.....	27
20.10	O Office District	27
20.11	C-1 Restricted Business District.....	28
20.12	C-2 Retail Business District.....	29
20.13	C-3 General Business District	29
20.14	I-1 Light Industry District.....	30
20.15	I-2 Heavy Industry District.....	30
20.16	PD Planned Development District.....	31
SECTION 21	PERMITTED USES	32
21.01	General provisions	32
21.02	Agricultural type uses	33
21.03	Commercial type uses.....	33
21.04	Construction and home improvement.....	35
21.05	Eating establishments	36
21.06	Educational, institutional, and special uses	36
21.07	General manufacturing and industrial uses.....	37
21.08	Medical and related uses.....	40
21.09	Motor vehicles and related uses.....	40
21.10	Natural resource storage and extraction.....	42
21.11	Offices, professional and financial	42
21.12	Recreational, social, and entertainment	43
21.13	Repair and service	44
21.14	Residential uses	45
21.15	Retail sales and services	46
21.16	Signs	49
21.17	Transportation type uses	49
21.18	Utility and related service activities.....	50
SECTION 22	ACTIVITIES WHICH REQUIRE A SPECIAL USE PERMIT	52
22.01	General requirements.....	52
22.02	Agricultural type uses	52
22.03	Commercial type uses.....	54

22.04	Eating establishments	55
22.05	Educational, institutional, and special use	55
22.06	General manufacturing and industrial uses.....	57
22.07	Medical and related uses.....	59
22.08	Motor vehicles and related uses.....	60
22.09	Natural resource storage and extraction.....	61
22.10	Recreational, social, and entertainment	61
22.11	Residential uses	64
22.12	Retail sales and services	65
22.13	Transportation type uses	65
22.14	Utility and related service activities.....	65
SECTION 23	YARD, LOT, AND AREA REQUIREMENTS	69
SECTION 24	SPECIAL NOTES CONCERNING LOT REQUIREMENT INCLUDING EXCEPTIONS AND VARIANCES	72
24.01	General	72
24.02	A-E District.....	75
24.03	R-1 District	75
24.04	R-2 District	75
24.05	R-3 District	75
24.06	R-4 District	75
24.07	R-5 District	75
24.08	R-6 District	76
24.09	MF District	76
24.10	MH District.....	78
24.11	O District	79
24.12	C-1 District	79
24.13	C-2 District	79
24.14	C-3 District	79
24.15	I-1 District.....	80
24.16	I-2 District.....	80
SECTION 25	CERTIFICATE OF OCCUPANCY AND COMPLIANCE.....	80
25.01	When certificate required	80
25.02	Application for certificate.....	80
25.03	Certificates to be kept on file and made available	81
25.04	Certificate required to change class of building	81

25.05	Certificate required for vacant building or vacant land	81
25.06	Certificate for nonconforming use	81
SECTION 26	BOARD OF ADJUSTMENT	81
26.01	Board of Adjustment – created	81
26.02	Administration	81
26.03	Appeals to board – procedure	81
26.04	Powers enumerated	82
26.05	Notification and hearing process	82
26.06	Compliance with Article 1011-A – 1011-J, Civil Statutes of Texas	82
26.07	Voting	82
26.08	Appeals from decision of the board	82
SECTION 27	HISTORIC LANDMARK PRESERVATION	83
27.01	"Historic landmark" defined	83
27.02	Declaration of policy	83
27.03	Historic landmarks – designation	83
27.04	Criteria to be used in determination	83
27.05	Historic Landmark Preservation Committee – created	84
27.06	Function	84
27.07	Action by Planning and Zoning Commission	85
27.08	Action by City Commission and recording of designation	86
27.09	Certificate of appropriateness review	86
27.10	Historic landmark demolition or removal	86
27.11	Provisions herein not to affect the present uses	87
27.12	Penalty	87
SECTION 28	OFF-STREET PARKING AND LOADING REQUIREMENTS	87
28.01	Purpose	87
28.02	Definitions	88
28.03	General provisions	88
28.04	Minimum off-street parking requirements	92
28.05	Minimum off-street loading requirements	94
28.06	Minimum standards and dimensions	94
SECTION 29	BUFFERS	100
29.01	Purpose	100
29.02	General Provisions	100

29.03	Types of buffers.....	101
29.04	Exceptions	101
29.05	Table of requirements	101
SECTION 30	ORDINANCE CARRIED FORTH	109
30.01	Purpose	109
30.02	Planned Developments carried forth.....	109
30.03	Special Use Permits for activities other than mobile homes carried forth.....	109
30.04	Status of Special Use Permits for mobile homes	109

ORDINANCE NO.

WHEREAS, the City Commission of the City of Marshall on July 28, 1983 directed the Planning and Zoning Commission of the City of Marshall to prepare a Zoning Ordinance to replace the Ordinances of December 13, 1951 and July 7, 1963, as amended; and

WHEREAS, the proposed Zoning Ordinance is now before the City Commission after being acted upon by the Planning and Zoning Commission as required by the Statutes of the State of Texas and after all legal notices, requirements, conditions, and prerequisites have been complied with; and

WHEREAS, the City Commission has considered the following points in determining whether such Ordinance should be adopted; The effect on the promotion of health, safety, and the general welfare; the effect on light and air; the effect on the overcrowding of the land; the effect on the concentration of population; the effect on transportation, water, sewage, parks, and other public facilities; and

WHEREAS, the City Commission of the City of Marshall further considered, among other things, the character of the districts and their suitability for particular uses, with a view to conserve the value of buildings and arrange the most appropriate use of land throughout the City; and

WHEREAS, the City Commission of the City of Marshall does find that there is a public necessity for the adoption of the said Ordinance; that the public needs it, that the public interest clearly requires the adoption of the Ordinance; and

WHEREAS, the City Commission of the City of Marshall does find that the adoption of the proposed Zoning Ordinance promotes the health, safety, and general welfare; helps lessen the congestion in the streets; helps secure safety from fire, panic, and other dangers; provides adequate light and air; prevents overcrowding of land and the undue concentration of population and facilitates the adequate provisions of transportation, water, sewage, parks, and other requirements;

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL,
TEXAS;

**SECTION 1
ENACTING CLAUSE**

That the Zoning Ordinance attached hereto for all purposes is hereby adopted as the Zoning Ordinance of the City of Marshall, Texas, together with a Map delineating zoning districts as Appendix A of Chapter 32 of the Code of Ordinances of the City of Marshall, Texas.

**SECTION 2
REPEAL OF ORDINANCES**

The ordinance of December 13, 1951, as amended regarding zoning districts and use regulations, and Ordinance Number O-63-7, as amended, both of which are duly enacted by the Commission of the City of Marshall, are hereby repealed except as provided for in Section 30 of this ordinance.

**SECTION 3
ADOPTION OF STATUTES AUTHORIZING ZONING ORDINANCE**

The statutes of the State authorizing and empowering cities to zone their cities and regulate and restrict the height, number of stories, and size of buildings and other structure; the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures; and authorizing and empowering the local legislative body to divide the municipality into districts of such numbers, shapes and areas as may be deemed best suited to carry out the purposes set out in such statutes, and within such districts to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, the same being Articles 1011a et seq., Vernon's Texas Civil Statutes, are hereby adopted for and on behalf of the City; and the City, acting through its duly authorized officials, shall have all of the rights, powers, privileges and authority authorized and granted by and through such statutes.

**SECTION 4
PURPOSE & SCOPE**

4.01 Purpose.

It is hereby declared to be the purpose and intent of the City Commission by enacting this Ordinance that the Zoning Regulations and Districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, parks, and open spaces; and to protect and enhance historical, cultural, and environmental qualities and other public requirements. They have been made with reasonable consideration, among other things: for the right to use the land subject to reasonable regulations; for the character of the district; and its unique suitability for the particular uses specified; and with a view of conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City consistent with the comprehensive plan as required by law.

4.02 Scope.

The provisions of this Zoning Ordinance constitute minimum requirements for the promotion of the public health, safety, comfort, and general welfare of the citizens of the City of Marshall, Texas. Wherever higher or more restrictive standards are established by provisions of any other applicable statutes, ordinances or regulations, the provisions of such other statute, ordinance, or regulation shall govern.

**SECTION 5
COMPLIANCE REQUIRED**

All land, buildings, structures, or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered, converted, or maintained shall be used, placed, and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

**SECTION 6
NON CONFORMING USES**

6.01 Nonconforming uses, defined.

Any legal use of property existing at the time of the adoption of this article that does not conform with the regulations prescribed in the preceding sections of this article shall be deemed a nonconforming use.

6.02 Nonconforming uses at the time of adoption of this article may continue, effect of discontinuance.

The lawful use of land existing at the time of the adoption of this article, although such does not conform to the provisions thereof, may be continued, but if said nonconforming use is discontinued for a period of time in excess of six (6) months, any future use of said premises shall be in conformity with the provisions of this article.

6.03 Nonconformance with yard, lot, area, parking or similar requirements other than use of property.

Because of changes in values and standards over time, many buildings built and parcels of land divided prior to the adoption of these regulations may not be in compliance with the requirements established in this ordinance for yard, lot, area, parking, or similar requirements other than use of property. Therefore, it is hereby found, determined, and declared that any buildings or parcels of land that were constructed, divided, or otherwise established legally and in compliance with the codes, ordinances, and regulations in effect at the time of their construction or division shall be considered to be in compliance with these regulations. This section shall not be construed to allow changes in buildings or parcels of land following the date of adoption of this ordinance that are not in compliance with the terms and conditions of this ordinance or that would increase, extend, or worsen a nonconformity to make it less in compliance with this ordinance. This section also shall not be construed to cause uses of property which are not in conformance with the terms of this ordinance to become in conformance, regardless of their conformity with the regulations in effect prior to this ordinance or at the time the use was established.

6.04 Structural changes.

The lawful use of a building at the time of the adoption of this article may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural changes except those permitted by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted classification; provided, however, that in the event a nonconforming use of a building is once changed to a nonconforming use of a higher or more restricted classification, it shall not later be reverted to the former lower or less restricted classification.

6.05 Maintenance.

The right of nonconforming uses to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgement of the Board of Adjustment, be reasonably required for the protection of adjacent property.

6.06 Obsolescence or destruction.

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In case of partial destruction by fire or other causes, not exceeding fifty percent (50%) of its value, the building inspector shall issue a permit for reconstruction. If greater than fifty percent (50%) and less than the total, the Board of Adjustment, hereinafter created, may grant a permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.

6.07 Trial of lawsuit not to be estoppel by request for nonconforming designation.

A violation of this article and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit, which may be filed in any court.

6.08 Illegal uses or structures.

By adoption of this ordinance, no presently illegal use or structure shall be deemed to have been legalized unless such use or structure falls within a district where the actual use and structure conform to the provisions of this ordinance except as provided for in Section 6.03. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

6.09 Legal action.

It is further the intent and the declared purpose of this ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and this ordinance adopted, shall be discharged or affected by such repeals; but prosecutions and suits for such offences, liabilities, penalties, or forfeitures may be instituted for causes presently pending and proceeded with in all respects as if such prior ordinance had not been repealed.

**SECTION 7
ZONING DISTRICTS ESTABLISHED**

The City of Marshall, Texas, is hereby divided into Zoning Districts. The regulations as set out herein are uniform within each district. The Planning and Zoning Commission shall not recommend and the City Commission shall not approve of any of these districts with other or different regulations than those set forth herein. This does not preclude the establishment of other districts or revision of regulations of the districts in accordance with the procedures set forth in Section 14, Procedure for Amending This Article. The districts herein established shall be known and cited as:

<u>Zoning District Name</u>	<u>Abbreviated Designation</u>	<u>For District Purposes See Page</u>
Agriculture and Estate	A-E	
Single Family Detached	R-1	
Single Family Detached	R-2	
Single Family Detached	R-3	
Single Family Detached	R-4	
Single Family Attached	R-5	
Duplex, Triplex, Quadraplex	R-6	
Multifamily	MF	
Mobile Home	MH	
Office	O	
Restricted Business	C-1	
Retail Business	C-2	
General Business	C-3	
Light Industry	I-1	
Heavy Industry	I-2	
Planned Development	PD	
Historic District Overlay	H	

**SECTION 8
ZONING DISTRICT MAP**

8.01 Adoption of map.

The boundaries of Zoning Districts set out herein are delineated upon a Zoning District Map of the City of Marshall, Texas. Said map is adopted as part of this ordinance as fully as if the same were set forth herein in detail.

8.02 Official map.

One Zoning District Map shall be filed in the office of the City Secretary. This copy shall be the Official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any questions, this copy, together with amending ordinances, shall be controlling.

8.03 Copies of map.

Additional copies of the Zoning District Map shall be placed in the offices of the City Secretary, the Director of Planning, and the City Engineer. These copies shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

8.04 Zoning district boundary lines.

The Zoning District Map shall indicate as clearly and accurately as possible the physical location of the boundaries of all Zoning Districts. The district boundaries shall be placed on or over the City base map, and the base map shall be used as reference information only and not an actual part of the Zoning Map. The base map may be changed from time to time without requiring zoning amendment; however, the zoning district boundary lines shall be changed only to define the boundaries as set forth by the Zoning Ordinance as may be amended from time to time.

**SECTION 9
ZONING DISTRICT BOUNDARIES**

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

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- ✓ (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (D) Boundaries indicated as following railroad lines shall be construed to follow the established centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- (E) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of any change in the shore lines such change shall be construed as moving the zoning line.
- (F) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines, and in the event of a change in the centerline, shall be construed as moving with the centerline. The centerline shall be interpreted as being midway between the shore lines.
- (G) Boundaries indicated as parallel to or extensions of features indicated in 9(A) through 9(F) shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.
- (H) Whenever any street, alley, or other public way is vacated by official action of the City Commission or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or highway and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- (I) Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

**SECTION 10
NEWLY ANNEXED AREAS**

10.01 Temporary classification.

All territory hereafter annexed to the City of Marshall shall be temporarily classified in the Agricultural and Estate District until permanent zoning classifications are given the area by the City Commission of the City of Marshall.

10.02 Procedure for establishing zoning.

The procedure for establishing appropriate zoning on any annexed territory shall be the same as set forth in Section 14 for the amendment of the Zoning Ordinance.

10.03 Recommendations by Planning and Zoning Commission.

Upon annexation of territory, the Planning and Zoning Commission shall study the newly annexed area and hold necessary public hearings to determine the proper zoning of such land at that time. The Planning and Zoning Commission shall make a recommendation to the City Commission within six (6) months after annexation.

**SECTION 11
USES LIMITED**

No land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations presented for the district in which it is located, except as herein provided.

**SECTION 12
PERMITS FOR AREAS TEMPORARILY ZONED A-E**

In an area temporarily classified as A-E Agriculture and Estate District, no permit for the construction of a building for any purpose other than a use permitted in the A-E District shall be issued.

**SECTION 13
PLANNING AND ZONING COMMISSION**

13.01 Creation, membership, filling vacancies.

There is hereby created and established for the city a planning and zoning commission which shall be known as the Planning and Zoning Commission. It shall be composed of seven (7) members. The members shall be resident citizens and qualified to be voters in the city. The members shall be appointed by a majority vote of the City Commission, and shall be selected with due regard for their fitness in order that all citizens of the city shall have reasonable and fair voice in the affairs of the Planning and Zoning Commission. The members of said Commission shall be appointed by the City Commission for a term of three years and a maximum of two consecutive terms. Appointment to a full three term shall begin on June 1. The appointment of members to full terms on the Planning and Zoning Commission shall be staggered so that in a three year period beginning in 1984 two positions are eligible for appointment in the first year, three positions are eligible for appointment in the second year, and two positions are eligible for appointment in the third year. Upon the expiration of the term of each member, his place shall be filled by the City Commission. Vacancies in an unexpired term shall be filled by the City Commission for the remainder of the term. Appointment to complete an unexpired term shall become effective immediately. A member who is appointed to complete an

unexpired term shall be eligible to serve two consecutive full terms following the completion of the unexpired term. Members of the Commission may be removed by the City Commission after public hearing and for cause assigned in writing.

13.02 Compensation, meetings, organization.

The members of the Planning and Zoning Commission shall serve without pay, shall elect a chairman and vice-chairman from its membership each year at its first meeting in June, and shall schedule meetings regularly.

13.03 Rules, regulations and bylaws, quorum.

The Planning and Zoning Commission shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the City Commission and same shall be subject to approval by such City Commission. Such bylaws shall include, among other items, provisions for:

- (A) Regular and special meetings, open to the public.
- (B) Records of its proceedings, to be open for inspection by the public.
- (C) Reporting to the City Commission annually and from time to time as requested.
- (D) The holding of public hearings on its recommendations, and four members of the Planning and Zoning Commission shall constitute a quorum for the transaction of business.

13.04 Recommendations, cooperation.

The Planning and Zoning Commission shall procure information and make recommendations to the City Commission and shall cooperate with the City Commission and other agencies as to all facts bearing upon needs of the city with regard to all zoning in the city, as provided under Articles 1011a through 1011j, Revised Civil Statutes of Texas.

13.05 Recommending Comprehensive Plan, other duties.

The Planning and Zoning Commission shall have the power, and it shall be its duty, to make and recommend for adoption a comprehensive plan, as a whole or in part, for the future development and redevelopment of the municipality and its environs; and shall have the power, and it shall be its duty to prepare a comprehensive plan and ordinance for zoning the city in accordance with Articles 1011a through 1011j, Revised Civil Statutes of Texas. The Planning and Zoning Commission shall perform such other duties as may be prescribed by ordinance or state law.

**SECTION 14
PROCEDURE FOR AMENDING THIS ARTICLE**

14.01 City Planning and Zoning Commission.

The City Commission of the city may, from time to time, after public notice and hearing, amend, supplement, change, modify or repeal the regulations and restrictions as established herein and may change, restrict or extend the boundaries of the various districts established herein. Any proposed supplement or change shall first be submitted to the Planning and Zoning Commission for its report and recommendation.

14.02 Public hearing.

No action on an amendment, change, modification or repeal shall be taken until after a public hearing. Notice of the time and place of such hearing shall be published in a paper of general circulation in the city at least fifteen (15) days prior to the time set for such hearing. In addition to the foregoing published notice, written notice of all public hearings on proposed changes in classification shall be sent to all owners of property, or to the person rendering the same for city taxes, affected by such proposed changes of classification and to all owners of property, or to the persons rendering the same for city taxes, located within two hundred (200) feet of any property affected thereby within not less than ten (10) days before any such hearing is held. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office.

14.03 Effect of protest.

In the case, however, of a protest against any proposed amendment, supplement or change signed by the owners of twenty percent (20%) or more of any area proposed to be altered or by the owners of twenty percent (20%) or more of the area immediately adjacent to the area thereof extending two hundred (200) feet therefrom, such amendment shall not become effective except by a favorable vote of three-fourths (3/4) of the members of the City Commission.

14.04 Waiting period for resubmittal of request.

No requests for rezonings or Special Use Permits shall be considered on any lot, tract or parcel more than once in any six-month period of time, unless subsequent requests are for more restricted districts or conditions than previous requests.

**SECTION 15
INTERPRETATION AND ENFORCEMENT**

15.01 Method of and appeals from interpretation and enforcement.

It shall be the duty of the Director of Planning to interpret and enforce the provisions of this article and to institute any appropriate action of proceedings to restrain, correct or prevent the violations of the terms of this article. Appeals from action of the Director of Planning in the interpretation of the Ordinance shall be made to the Planning and Zoning Commission. Appeals from action of the Director of Planning in the enforcement of this Ordinance may be made to the Board of Adjustment as provided herein.

15.02 Circumstances for application of greater restrictions.

In interpreting and applying the provisions of this article, such shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare. It is not intended by this article to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law relating to the use of buildings or premises; nor is it intended by this article to interfere with or abrogate or annul any easement or covenants between parties; provided, however, that where this article imposes a greater restriction upon the use of buildings or premises than are imposed by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants, or agreements, the provisions of this article shall control.

**SECTION 16
PENALTY FOR VIOLATION OF ARTICLE**

The owner or general agent of a building or premises where a violation of any provision of the regulations of this article has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of an amount not to exceed two hundred dollars (\$200.00). Each and every day that any violation of this article continues shall constitute a separate offense.

**SECTION 17
COMPLETION OF EXISTING BUILDINGS**

17.01 Buildings under construction.

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the passage of this article and which entire building shall be complete within one (1) year from the passage of this article.

17.02 Buildings for which permits issued.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within one (1) year from the date of the passage of this article.

17.03 Effect of amendments.

If any amendment to this Ordinance is hereafter adopted changing the boundaries of districts, the provisions of the two previous paragraphs of this section shall apply in the area affected by such amendment at the time of the passage of such amendment.

17.04 Nonconforming designation.

If any building or activity covered by the conditions of the previous three paragraphs does not conform to the newly adopted ordinance, district regulations or district boundaries, such building or activity shall be considered nonconforming.

**SECTION 18
PERMITS**

18.01 Site plan required.

No permit for the erection, alteration, construction, reconstruction, use or maintenance of any building, or the use of any premises shall be issued by the Building Inspector unless there shall first be filed in his office by the applicant therefor a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building to be erected, constructed, reconstructed, altered, used or maintained, with measurements of the building, together with a true statement, in writing, signed, by the applicant showing the use for which building or premises is arranged, intended or designed, and the location and dimensions of all accessory buildings or structures; and no permit shall be issued by said Building Inspector unless such plan shall show in all details that such building or structure is to be erected, used or maintained, and

such premises are to be used in conformity with all the provisions of this article. A record of such applications and plans shall be kept in the office of the Building Inspector.

18.02 Failure to comply with plans and conditions of permit.

Failure of any applicant or of his agent, servants or employees to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with such plans on which such permit is issued, when such failure constitutes a violation of any provisions of this article, shall render such permit void, and the Building Inspector is hereby authorized and directed to revoke any such permit by giving written notice to the applicant, or his agents, servants or employees and all work upon such building, structures or premises shall be immediately discontinued on the serving of such notice until such buildings, structures or premises shall be changed so as to comply with such plans and permit.

**SECTION 19
GENERAL DEFINITIONS**

19.01 Number, tense, and similar terms.

Certain words in this ordinance not heretofore or hereafter defined are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "lot" includes the words "plot" or "tract"; the word "shall" is mandatory and not discretionary.

19.02 Definitions of words and terms.

The following words and terms appearing in this article shall have such meaning as herein set out:

Accessory building: In a residential or multi-family dwelling district, an accessory building shall be a subordinate building, attached to or detached from the main building, and the accessory building shall not have separate utilities and shall not be rented or leased. In a residential or multi-family dwelling district, an accessory building may contain accessory quarters, a washroom, a storage room for domestic storage only, and an accessory building may also be used for other purposes which are customarily incidental to the main structure such as a private garage for automobile storage, tool house, home workshop or greenhouse as hobbies only, children's playhouse, storage house, or garden shelter. In any district, an accessory building shall be a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

Setbacks:
5ft

Accessory quarters: An accessory building or portion of a main building located on the same lot as the main building and used as living quarters by the owners of the lot, the immediate family of the owners of the lot, or a domestic employee. The accessory quarters shall not be rented or leased. A mobile home shall not be used as an accessory quarters.

Accessory use: A use subordinate to, incidental to, and customarily associated with the primary use of the main building or the primary use of the premises. An accessory use may be permitted in a district in which it is not listed as permitted provided that it is operated in association with and subordinate to a permitted primary use.

Airport or landing field: A landing facility for aircraft.

Alley: A public space or right-of-way which affords only secondary means of access to property abutting thereon.

Alternative mounting structure: Shall mean existing elevated water storage towers, bell steeples, utility poles or transmission towers, buildings and similar alternative mounting structures for antenna, except for residential structures. The alternative mounting structure may be either a primary or an accessory use on a tract of land.

Antenna: Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves. Receive-only antenna or amateur radio antenna that is under seventy (70) feet in height and is owned or operated by a federally licensed amateur radio station operator or is used exclusively for reception only, including local television broadcast reception antennas, direct broadcast satellite antennas or multichannel multipoint distribution services, are not subject to regulation under this Ordinance.

Antenna, Co-location on a tower: The placement of one or more commercial antenna on a single antenna tower.

Antique shop: An establishment offering for sale within a building articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

Apartment: A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.

Apartment house: Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as five (5) or more dwelling units or apartments or which is occupied as a home or place of residence by five or more families living independently of each other and maintaining separate cooking facilities.

Area of the lot: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Art gallery or museum: An institution for the collection, display or distribution of objects of art or science, and which facility is open to the general public.

Basement: A building story, which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Bed and breakfast establishment: A private home in which lodging for one or more nights and breakfast are provided by the resident for compensation. (See Section 22, Special Use Permit Requirements)

Block: An area within the city enclosed by streets and occupied by or intended for buildings, or, if said word is used as term of measurement, it shall mean the distance along a side of the street between the nearest two streets which intersect said street on a said side.

Board: Zoning Board of Adjustment as provided for in Section 26.

Boardinghouse, rooming house, or lodginghouse: A building other than a hotel, motel, or bed and breakfast establishment where lodging and meals for five (5) or more persons are served for compensation. Boarders or lodgers typically stay for one week or longer.

Breezeway: A covered passage typically one (1) story in height connecting a main structure and an accessory building.

Buffer: Landscaping, fencing, separations, barriers, natural topography, natural vegetation, or any combination thereof which may be required between land uses to minimize or mitigate conflicts between them or to mitigate factors which may be considered to be obnoxious, offensive, or a nuisance to the public. See Section 29.

Building: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in compliance with the Building Code in a manner sufficient to prevent or significantly retard the spread of fire, each portion so subdivided may be deemed a separate building.

Building ends: Those sides of a building typically having the least dimension as compared to the front or rear of a building, and in which doors or openings are not customarily provided for ingress and egress. As used herein for the building spacing regulations for multi-family dwellings, a building end shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building line: A line parallel or approximately parallel to the street line at a specified distance, such distance being the closest distance to the street line that a building may be erected.

Business: Includes retail, commercial and manufacturing uses and districts as herein defined, or uses listed as permitted in the O, C-1, C-2, C-3, I-1, I-2 Districts.

Business district or business uses: Includes all uses not permitted in the R-1, R-2, R-3, R-4, R-5, MF and MH District uses regulations.

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

Certificate of occupancy and compliance: An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

Child care center, nursery, or pre-school: A place where children are left for care or training.

Church or rectory: A place of worship and religious training of recognized religions and may include the on-site housing of ministers, rabbis, priests, nuns and similar staff personnel.

City Commission: The governing body of the City of Marshall, Texas.

Class or classification of buildings or uses: A class of buildings or uses shall be determined based on activities which are first listed as permitted in a zoning district. For example, the class of uses for the C-2 district consists of all of the activities which are listed as permitted for the first time in the C-2 district, which includes most retail activities. Residential or office uses would not be included in this class of uses because they are first listed as permitted in other zoning districts. In some cases, building code or life safety code requirements may take precedence over the zoning ordinance in determining the class or classification of a building or use.

Clinic; medical: An institution, station, office, or group of offices for the examination and treatment of ill and afflicted outpatients.

College or university: An academic institution of higher learning, accredited or recognized by the State and offering a program or series of programs of academic study.

Community center; public: A building and grounds owned and operated by a governmental body for the social or recreational use, health or welfare of the community served.

Convalescent center or home: Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

Country club; private: An area of twenty (20) acres or more containing a golf course and/or a club house and available only to private specific membership. Such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

Court: An open, unoccupied space bounded on more than two (2) sides by the walls of the building. An inner court is a court entirely surrounded by exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanently open space.

Curb level: The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest. Where no curb has been established the City Engineer shall authorize and approve the establishment of such curb or its equivalent.

Dance hall or nightclub: An establishment offering to the general public facilities for dancing and/or entertainment.

Day camp: A facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities, on a daytime basis.

Depth of lot: The mean horizontal distance between the front and rear lot lines.

District: A section of the City of Marshall for which the regulations governing the area, height or use of the land and buildings are uniform.

Duplex: Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as two (2) dwelling units or apartments or which is occupied as a home or place of residence by two families and not more than four (4) boarders or lodgers (two [2] per family) living independently of each other and maintaining separate cooking facilities.

Dwelling unit: A building, portion of a building, room, or rooms which is arranged, occupied, or intended to be occupied as living quarters by a family, individual, group of individuals, or a combination thereof.

Efficiency apartment: An apartment having a combination living area and bedroom. (No separate bedroom.)

Electrical substation: An electrical facility consisting of transformers and associated equipment having a primary purpose of reducing the transmission voltage of a bulk electrical power source for distribution to specific areas within the city. Where applicable, an electrical substation shall meet the requirements set forth in Section 22 of this Chapter.

Family: Any number of individuals living together as a single house-keeping unit, in which not more than four (4) individuals are unrelated by blood, marriage, or adoption.

Farm: An area of two (2) acres or more, which is used for the growing of the usual farm products such as vegetables, fruit, trees and grain and their storage on the area, and/or the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine including dairy farms with the necessary accessory uses, and for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals, any type of agricultural or husbandry specifically prohibited by ordinance or law, or commercial riding stables

Farm accessory building: A structure, other than a dwelling, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animals and crops.

Flea markets: A collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.

Floor area: The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.

Fraternity, sorority, lodge or membership association: Membership associations shall mean fraternities, sororities, social organizations or any other association of persons, whether unincorporated or incorporated under the laws of the State of Texas, for the promotion of some common object or purpose, to which membership is by invitation only and entrance to its meeting

place is permitted only to members and their invited guests, and specifically excluding private clubs or other organizations in which alcoholic beverages are sold, stored, possessed or consumed at its meeting place or on the premises thereof. The term "alcoholic beverage" as used herein shall mean alcohol and any beverage containing more than one-half of one percent (1/2 of 1%) of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted; and the term premises shall mean the grounds as well as all buildings and appurtenances pertaining thereto, and shall also include any adjacent premises, if directly or indirectly under the control of such organization or association.

Front yard: An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front or street line with the minimum horizontal distance between the street line and the main building line as specified in Section 23 for the district in which it is located.

Garage sale: A garage sale is defined as the offering for sale of items of used personal property from a residence or from any building, structure, lot or property that is not zoned for business use. Yard sale, patio sale, porch sale, driveway sale, and similar terms shall have the same meaning as garage sale. No garage sale shall be held at any single location for a period of more than four (4) consecutive days, nor more often than four (4) times in any calendar year. At the end of the four (4) day period permitted for a garage sale, all signs, items for sale, displays, tables, racks, and other equipment or goods associated with the garage sale must be removed from view of the public and stored or disposed of so as not to create a disturbance, become a nuisance to the neighborhood, or be considered unsightly.

Golf course: commercial: A golf course, privately owned but open to the public for a fee and operated as a commercial venture.

Golf course: private: A privately owned golf course open to members and guests.

Grade: For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of the walls adjoining; for buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building; any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the City Engineer shall establish such sidewalk level or its equivalent for the purpose of these regulations.

Gross floor area: The gross floor area of a building shall be measured by taking the outside dimensions of the building at each floor level. In the case of a residential building, the floor area of cellars or attics not used for residential purposes shall be excluded.

Group care home: A facility which provides room, board, care and supervision to children or adults exclusive of a family unit of individuals related by blood, marriage or adoption, on a twenty-four (24) hour a day basis. Such group care facility must be licensed or supervised by an appropriate local or State agency. The presence of not more than two (2) employees, supervisor, managers, administrators, or care providers at any given time shall be permitted on the premises.

Halfway house: A non-medical residential facility providing living facilities (either with or without board), recreational counseling and other rehabilitative services to individuals of either sex who require specialized attention and care in order to achieve personal independence. The facility must be approved by an appropriate local and/or State agency.

Height: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or, if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling

towers, elevator bulkheads, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height. See also Legal height.

High risk uses: Those uses which present the possibility of bodily injury and/or property damage arising out of an accident or occurrence.

Hobby shop: An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities; from which no revenue may be derived; in which no goods may be publicly displayed, offered for sale, or advertised for sale; nor may any sign be used in connection therewith.

Home occupation: A home occupation is an operation able to be carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms; with the installation of machinery or additional equipment other than that customary to normal household operation; without the employment of additional persons from outside the home; without the use of a sign, except for a one square foot nameplate, to advertise the occupation; and which does not cause the generation of excessive traffic in the street.

Home workshop: See Hobby shop.

Hospital: An institution or place where sick or injured inpatients are given medical or surgical care either at public (charity) or private expense, and which is licensed by the State of Texas.

Hotel and motel: A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singly for hire, and in which there are no provisions for cooking in individual rooms or apartments. To be classified as a hotel or motel an establishment shall contain a minimum of six (6) individual guestrooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and use and upkeep of furniture.

Junk or salvage yard: Any land or building where metals, plumbing materials, appliances, vehicles or vehicle parts, rags or paper, machinery, or similar items or material are kept, salvaged, processed, stored, dismantled and/or offered for sale as whole units, as salvaged parts, or as processed material.

Kennel: Any place where five (5) or more dogs, cats or any combination thereof, over the age of four (4) months, are raised, trained, boarded, harbored or kept. Veterinary clinics, animal hospitals, and animal shelters are specifically excluded.

Kindergarten: A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

Laboratory; manufacturing: Operations involving the compounding of products such as perfumes and pharmaceuticals and/or the development and assembly of instruments and similar items.

Legal heights: The maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures. See also Height.

Light fabrication and assembly processes: Operations including the manufacture of jewelry, trimming decorations and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

Limited self-service gasoline or fuel station: An establishment for the retail sale of petroleum products only (not including automobile accessories, service, or repair) on a customer self-service basis and limited to a maximum of three (3) individual dispensing outlets at any separate station or on any parcel of property.

Liquor store: Facility whose primary purpose is for the sale of beer, wine or liquor not for on-premises consumption. It may include soft drinks and some food items. A liquor store may also be known as a package store.

Livestock auction: Barns, pens and sheds for the temporary holding and sale of livestock.

Living area: The area of a dwelling unit which is intended for occupancy by the residents of the dwelling unit. Living area customarily includes that area of a dwelling unit which is served by heating and air conditioning equipment. Garages, attached storage areas with outside entrances, porches, covered patios, breezeways, and accessory buildings are not normally included as living area.

Living unit: A building, portion of a building, room, or rooms which is arranged, occupied, or intended to be occupied as living quarters by a family, individual, group of individuals, or a combination thereof.

Local utility line: The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, telephone services, or cable TV services.

Lot: Land occupied or intended to be occupied by a building and its accessory buildings, and including such open spaces as are required under this article, and having its principal frontage upon a public street or officially approved place.

Lot, corner: A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimensions, unless otherwise specified by the Director of Planning.

Lot coverage: The percent of lot area which is covered by a roof, floor, or other structure and is not open to the sky. Roof eaves to the extent of two (2) feet and ordinary projections including but not limited to fireplaces, windows and door treatments that extend from the exterior walls of the building not exceeding twelve (12) inches shall not be counted in computing coverage.

Lot depth: The mean horizontal distance between the front and rear lot lines.

Lot, interior: A lot whose side lines do not abut upon any street.

Lot lines: The lines bounding a lot as herein defined.

Lot of record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which has been recorded in the office of the County Clerk of Harrison County.

Lot, through: Any interior lot having frontage on two streets.

Main building: The building or buildings on which a lot which are occupied by the primary use.

Mobile home, manufactured home, HUD code home: A structure transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile home park: A unified development of two (2) or more mobile home spaces or stands arranged on a tract of land under private ownership. A site plan for the mobile home park shall be approved by the Planning and Zoning Commission.

Mobile home subdivision: A mobile home subdivision is defined as a unified development of 15 or more lots for mobile home sites which have been divided for the purpose of individual ownership in compliance with the provision of the subdivision regulations of the City of Marshall found in Chapter 25A of the Code of Ordinances of the City of Marshall, and which conform to the lot size requirements in the Mobile Home zoning district as specified in Section 23 of this ordinance.

Modular home: A structure or building module which is manufactured at a location other than the location where it is installed, used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include

a mobile home as defined in this section; nor does it include building modules incorporating concrete or masonry as the primary structural component. A modular home shall be constructed in keeping with the standards of the Building Codes of the City of Marshall. A modular home shall be built by an approved company listed in the Building Codes of the City of Marshall or provisions shall be made at the owner's expense for inspections to be made of the modular home by the City of Marshall to insure its compliance with the Building Codes of the City of Marshall.

Multi family dwelling or apartment: Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as five (5) or more dwelling units or apartments or which is occupied as a home or place of residence by five or more families living independently of each other and maintaining separate cooking facilities.

Name plate: An accessory sign not exceeding one (1) square foot in area showing only the name and/or occupation of the owner or occupant of the premises on which it is erected or placed. A name plate may not be lighted.

Nonconforming use: A building, structure or use of land lawfully occupied at the time of the effective date of this article or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Nursing home or residence home for aged: A home where ill or elderly people are provided with lodging and means with or without nursing care.

Occupancy: The use or intended use of the land or buildings by proprietors, tenants, or owners.

Off-street parking incidental to main use: Off-street parking spaces provided in accordance with requirements specified by this Ordinance and located on the lot or tract occupied by the main use, on an immediately adjacent lot or tract, or on an immediately adjacent lot or tract across an alley or a street; and located within the same zoning district as the main use or a zoning district which would permit the establishment of the main use or a commercial parking lot or structure.

Open space: Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

Park or playground: public: An open recreation facility or park owned or operated by a public agency such as the Parks and Recreation Department or School Board and available to the general public; or the temporary or seasonal use of open land as a play area or recreation area which is authorized, sanctioned or approved by the City of Marshall.

Parking lot or garage: An area or structure devoted to the parking or storage of currently licensed vehicles which are in driveable condition.

Parking lot: truck: Facility for parking or storage of currently licensed trucks which are in driveable condition.

Parking space: An area measuring approximately one-hundred-eighty (180) square feet not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting unimpeded ingress and egress. It shall not include the parking of trucks or buses for commercial purposes in any dwelling, duplex or apartment district. Head-in parking adjacent to public thoroughfare wherein the maneuvering is done on a public street shall not be permitted.

Place: An officially approved open, unoccupied space reserved for purposes of access to abutting property.

Planning and Zoning Commission: The agency appointed by the City Commission as an advisory body to it and which is authorized to recommend changes in the zoning, among its other duties as set forth in the Bylaws of the Planning and Zoning Commission and in Section 13 of this ordinance.

Public building, shop or yard of local, state or federal government: Facilities such as office buildings, maintenance yards or shops required by branches of local, state or federal government for service to an area, such as a Highway Department yard, City Service Center, or Experiment Station.

Public garage: A building or portion of a building used for repair, care or servicing of motor-driven vehicles, or where motor-driven vehicles are equipped for operation, or kept for hire or sale, but not including the open storage of trucks, trailers, and vans.

Quadraplex: Any building which is designed, built, rented, leased, or let to be occupied as four dwelling units or apartments or which is occupied as a home or place of residence by four families living independently of each other and maintaining separate cooking facilities.

Radio, television or micro-wave towers: Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Railroad team track: A siding for spotting and unloading or loading box cars or other railroad cars and which area is connected to a public street by a drive for access.

Railroad track and right-of-way: Any track or right-of-way for rail service, but not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

Rear line: The boundary line which is opposite and most distant from the front street line. In the case of uncertainty, the Director of Planning shall determine the rear line.

Rear yard: The required rear yard is an open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and having a depth in each district as specified in Section 23.

Recreational vehicle: A vehicle which is not designed to be used as a permanent dwelling, and in which the plumbing, heating, and electrical systems are self-contained and may be operated without connection to outside utilities and which is self-propelled or designed to be towed by a motor vehicle.

Recycling collection facility: A facility designed to collect, sort and package, by manual or mechanical processes, recyclable items for transport to a reprocessing plant. The facility must be operated indoors with no outdoor storage or collection bins, except when located in an I-2 District. The term "recyclable item" shall mean a waste product which can be reprocessed and used again as raw material in the manufacturing of same or similar products and is not attached or combined with products containing other materials. The term "mechanical process" shall mean sorting and packaging by machinery in which the composition of the item remains constant but the shape of the product is altered.

Residence: Same as dwelling units.

Residential Districts: Shall include A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, and MH districts.

Restaurant: Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment. The term "primary business" means that the gross receipts from the sale of food exceed fifty (50) percent of the entire gross receipts of such establishment.

Riding academy: A paddock, club house and/or stable for quartering, training and riding horses; the facility of which are restricted to a specific membership and not available to the general public.

School, business or commercial: A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

School, public, private or denominational kindergarten, elementary or secondary: A school under the sponsorship of a public, private or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

School, trade: A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

Screening, fencing: Sight-barring bushes or fencing with a minimum height of six (6) feet so that the view from adjacent property and from public roads is blocked.

Secondhand merchandise dealers or storage: The keeping, handling, storage or use of furniture, appliances and/or other merchandise or goods for sale or display. Secondhand merchandise is defined as an item which has previously been sold at the wholesale or retail level or previously used by an individual or business.

Service station: An establishment for the retail sale of petroleum products, automobile accessories and/or minor automobile tune-up, muffler installation incidental to the primary use, oil change or other lubricative services in which all services provided and all storage, supplies, parts, equipment and accessories are indoors. This definition shall not include any major automotive repairs or service (engine and transmission overhauls, etc.)

Side line: Any lot boundary line not a front or rear line thereof. A side line may be a part of a lot line, a line bordering on an alley or place, or a side street line. Any lot line not the rear line or a front line shall be deemed a side line.

Side yard: An open, unoccupied space on the same lot with a building situated between the building and side line of the lot and extending through from the front yard to the required rear yard.

Single family dwelling; attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and not more than four (4) boarders or lodgers, and is located on a separate lot delineated by front, side and rear lot lines. Includes townhomes, zero lot line homes, patio homes and other similar types of housing.

Single family dwelling; detached: A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family and not more than four (4) boarders or lodgers.

Stables; private: Any structure which is used for the sheltering, quartering, or feeding of animals which are available for use only to members of the stables or owners of the animals, and which has a capacity for not more than four (4) horses, mules, or other livestock or animals. Stables shall comply with Chapter 4, Animals and Fowl, of the Code of Ordinances.

Stables; commercial: Any structure which is used for the sheltering, quartering, or feeding of animals which are available for use by the public for a fee, and which has a capacity for more than four (4) horses, mules, or other livestock or animals.

Stadiums, arenas, athletic fields: An athletic field or stadium owned or operated by a public agency for the general public, including a baseball field, football field or stadium, or similar athletic field.

Story: The height between the successive floors of a building or from the top floor of the roof. The standard height for a story is eleven (11) feet, six (6) inches between floors.

Story; half: A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five percent (75%) of the area of the floor of the story immediately below.

Street: Any thoroughfare or public right-of-way, other than any alley, more than twenty (20) feet in width, which has been dedicated or deeded to the public for public use.

Street line: A dividing line between a lot, tract or parcel of land and a contiguous street also referred to as the right-of-way line.

Structural alterations: Any change in the supporting member of a building, such as a bearing wall, column, beams or girders, or any change to the floor plan of a building which alters egress routes from within the building.

Swimming pool; commercial: A swimming pool, with or without accessory facilities, which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available to the general public for a fee.

Swimming pool; residential: A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City of Marshall. A residential swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Tavern, lounge or private club: A tavern or lounge shall mean an establishment, the primary activity of which is the sale or consumption on the premises of beer, wine or other liquors and where food service, if any, is secondary to the sale or consumption of beer, wine and other liquors. Private club shall mean any organization or association of persons, whether unincorporated or incorporated, including fraternal and veteran organizations and all organizations required to be licensed by the Texas Liquor Control Board, which sells, stores, possesses or regularly provides and dispenses or makes available alcoholic beverages at its meeting place or on the premises thereof to its members and their guests regardless of whether or not a fee is charged therefor and regardless of whether or not the dispensation of alcoholic beverages is incidental to or the primary function of the operation of such organization or association. The term "alcoholic beverage" as used herein shall mean alcohol and any beverage containing more than one-half of one percent (1/2 of 1%) of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted; and the term "premises" shall mean the grounds as well as all buildings and appurtenances pertaining thereto and shall also include any adjacent premises, if directly or indirectly under the control of such organization or private club.

Telephone exchange, switching relay and transmitting equipment: Any building, buildings, or premises normally used for these activities, but not including public business facilities, storage or repair facilities.

Temporary field or construction office: A structure or shelter, subject to removal by order of the Building Official, used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Thoroughfare: (Same as Street.)

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more commercial antennas, including self-supporting lattice towers, guy towers or monopole towers.

Transition area or district: An area which is located adjacent to or between a major thoroughfare or high traffic volume street or an established business, commercial, or industrial area and an established residential area in which a mixture of activities such as single family residences, duplexes, apartments, lower intensity and generally non-offensive business, or similar activities occur or can be reasonably expected to occur.

Travel trailer: A structure 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 which is less than eight (8) body feet in width and forty (40) body feet in length in the traveling mode, and which is less than 320 square feet when installed or erected on site.

Travel trailer parks: A unified development under private ownership designed for transient service on which two (2) or more travel trailers, pickup coaches, and/or self-propelled motorized vehicles are parked, situated or used for the purpose of supplying to the public a parking space for such vehicles, regardless of whether or not a charge is made for such accommodations. It shall include any building, structure, tent, vehicle, or enclosure used or intended to be used as a part of the equipment of such park. The site plan for any travel trailer park shall be approved by the Planning and Zoning Commission as per Chapter 28 of the Code of Ordinances of the City of Marshall.

Triplex: Any building which is designed, built, rented, leased, or let to be occupied as three dwelling units or apartments or which is occupied as a home or place of residence by three families living independently of each other and maintaining separate cooking facilities.

Used car lot: A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

Variance: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. (See Section 26.)

Width of lot: The mean horizontal distance between side lot lines.

Width of side yard: The mean horizontal distance between a side wall of a building and the side line of the lot.

Yard: An open, unoccupied space, other than a court, on the same lot on which a building is situated and which is unobstructed from the ground to the sky, except as provided for roof overhangs and similar special architectural features and plant material.

Zoning district map: The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance, as provided for in Section 8.

SECTION 20
ZONING DISTRICT PURPOSES AND PROHIBITED USES

20.01 A-E Agriculture and Estate District.

- (A) The Agricultural and Estate District is designed to accommodate agricultural and rural activities that are frequently found in less developed areas of the city and on the fringe of the developing areas of the city. It is also an area in which future development might occur. It is intended that this district be used to hold agricultural and rural land in those uses as long as is practical, reasonable, and economical; have as permitted uses certain activities which are normally expected to take place in a rural or urban-fringe area; and be identified as an area in which the zoning may be changed in the future to accommodate urban development.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs, except as permitted in Section 22.
 - (3) Any use of property that does not meet the yard, lot, and area requirements as specified in Section 23.

20.02 R-1 Single Family Detached Residential District.

- (A) The R-1 Single Family Detached Residential District is established to provide sufficient space in appropriate locations for residential development to meet the present and future housing needs of the City, with allowance for a diversity of sites. This District is also established for the following additional purposes:
- (1) To protect residential areas against pollution, environmental hazards, and other objectionable influences.
 - (2) To protect residential areas, as far as possible, against heavy and through traffic.
 - (3) To protect residential areas against congestion, as far as possible, by managing the density of population in and around them; by providing for off-street parking spaces; and by providing open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.
 - (4) To provide for privacy and access of light and air to windows as far as possible, through controls over the spacing and height of buildings and other structures.
 - (5) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of residential development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected on land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs, except as permitted in Section 22.

B311.2 SUBCLASSIFICATIONS. Group R occupancies shall include, among others, the following:

R1: Residential occupancies where the occupants are primarily transient in nature including:

- Boarding housing (transient)
- Hotels
- Motels

R2: Multiple dwellings where the occupants are primarily permanent in nature, including:

- Apartment houses
- Convents
- Dormitory facilities which accommodate six or more persons of more than 2 1/2 years of age who stay more than 24 hours
- Fraternities and sororities
- Monasteries
- Rectories
- Rooming houses (not transient)

R3: Residential occupancies including the following:

- Child care facilities which accommodate five or less children of any age for any time period.

- One and two family dwellings where the occupants are primarily permanent in nature and not classified as R1, R2, or I.

- Rooming houses (transient)

R4: Residential Care/Assisted Living Facilities housing six or more occupants on a 24 hour basis; these occupancies include the following:

- Alcohol and drug abuse centers
- Assisted living facilities
- Congregate care facilities
- Convalescent facilities
- Halfway houses
- Group homes
- Residential board and care facilities
- Social rehabilitation facilities

- (4) To provide for privacy and access of light and air to windows as far as possible, through controls over the spacing and height of buildings and other structures.
 - (5) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of residential development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs, except as permitted in Section 22.
 - (3) Any use of property that does not meet the yard, lot, and area requirements as specified in Section 23.

20.05 R-4 Single Family Detached Residential District.

- (A) The R-4 Single Family Detached Residential District is established to provide sufficient space in appropriate locations for residential development to meet the present and future housing needs of the City, with allowance for a diversity of sites. This District is also established for the following additional purposes:
- (1) To protect residential areas against pollution, environmental hazards, and other objectionable influences.
 - (2) To protect residential areas, as far as possible, against heavy and through traffic.
 - (3) To protect residential areas against congestion, as far as possible, by managing the density of population in and around them; by providing for off-street parking spaces; and by providing open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.
 - (4) To provide for privacy and access of light and air to windows as far as possible, through controls over the spacing and height of buildings and other structures.
 - (5) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of residential development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs, except as permitted in Section 22.
 - (3) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.

20.06 R-5 Single Family Attached Residential District.

- (A) The R-5 Single Family Attached Residential District is established to provide adequate space and site diversification for residential purposes designed to accommodate the design features which are unique to townhouses, patio homes, zero lot line homes, and similar residential developments, and thereby provide further for a variety of types and styles of housing. This District is also established for the following additional purposes:
- (1) To protect residential areas against pollution, environmental hazards, and other objectionable influences.
 - (2) To protect residential areas, as far as possible, against heavy and through traffic.
 - (3) To protect residential areas against congestion, as far as possible, by managing the density of population in and around them; by providing for off-street parking spaces; and by providing open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.
 - (4) To provide for privacy and access of light and air to windows as far as possible, through controls over the spacing and height of buildings and other structures.
 - (5) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of residential development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs, except as permitted in Section 22.
 - (3) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.

20.07 R-6 Duplex, Triplex, Quadraplex Residential District.

- (A) The Duplex, Triplex, Quadraplex Residential District is established to manage the density of population and to provide adequate space and site diversification for medium-density residential development where adequate streets and other community facilities are available for present and future needs. This District is also established for the following additional purposes:
- (1) To protect residential areas against pollution, environmental hazards, and other objectionable influences.
 - (2) To protect residential areas, as far as possible, against heavy traffic.
 - (3) To manage the density of population and protect against congestion by providing for off-street parking spaces and by requiring the provision of open space in residential areas in order to open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.

- (4) To provide for privacy and access of light and air to windows, as far as possible, through controls over the spacing and height of buildings and other structures.
 - (5) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs, except as permitted in Section 22.
 - (3) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.

20.08 MF Multifamily Residential District.

- (A) The Multifamily Residential District is established to manage the density of population and to provide adequate space and site diversification for higher density residential development in which adequate streets and other community facilities are available for present and future needs. This District is also established for the following additional purposes:
- (1) To protect residential areas against pollution, environmental hazards, and other objectionable influences.
 - (2) To protect residential areas, as far as possible, against heavy traffic.
 - (3) To manage the density of population and protect against congestion by providing for off-street parking spaces and by requiring the provision of open space in residential areas in order to open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.
 - (4) To provide for privacy and access of light and air to windows, as far as possible, through controls over the spacing and height of buildings and other structures.
 - (5) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) On- and off-premise signs, portable signs, animated or illuminated signs except as erected in compliance with the Sign Ordinance to identify the multifamily development on the same property as the sign, and except as permitted in Section 22.
 - (3) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.

- (3) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.
- (4) Any outdoor storage or display.

20.11 C-1 Restricted Business District.

(A) The Restricted Business District is established to provide for certain specific business activities which generally would not be viewed as offensive in areas in transition from residential use to business use along more heavily traveled streets. These business activities do not necessarily include neighborhood-oriented businesses. The permitted activities in this district are restricted to businesses which normally do not generate heavy or excessive traffic, which normally do not have late hours of operation, and which normally do not cause or create excessive noise, trash, or glare from lights. Because this district is specifically designed to be used in areas which are a transition between businesses and residences or between major thoroughfares or heavily traveled streets and residences, the businesses in this district should lend themselves well to being located in structures which were originally built as residences on property which was originally divided for residential use. A primary purpose of this District is to allow property to be converted to business use in recognition of the demands of the marketplace in as unobtrusive, unoffensive, and safe a manner as possible so that the occupants of properties which remain in residential use may continue to enjoy a high-quality undisturbed residential atmosphere until the transition is complete. In order to allow for and encourage the continuation of a high-quality undisturbed residential atmosphere in and adjacent to this District, more restrictive requirements for light, air, open space, landscaping, and off-street parking are made than are provided in other business and commercial districts. It is intended that adequate off-street parking for customers and employees be provided and that appropriate landscaping and screening be provided to insure compatibility with the surrounding residential environment. This District is also established for the following additional purposes:

- (1) To provide appropriate space for off-street parking to control congestion, and to encourage business development to concentrate to the mutual advantage of consumers, merchants, and nearby residents.
- (2) To protect against fire, explosions, pollution, and environmental hazards.
- (3) To promote the most desirable uses of land and the direction of building development in accordance with the Comprehensive Plan; to promote stability of business and residential development; to strengthen the economic base of the city; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
- (4) To promote the most efficient use of city facilities and services.

(B) Prohibited Uses:

- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
- (2) Off-premise signs.
- (3) Any use of property that does not meet the minimum yard, lot and area requirements as specified in Section 23.
- (4) Any outdoor storage or display.
- (5) Temporary or portable signs, signs with flashing or intermittent lighting, and signs in excess of thirty-two (32) square feet.

20.12 C-2 Retail Business District.

(A) The Retail Business District is established to provide sufficient space in appropriate locations with a variety of site choices for retail development and for other development requiring a higher density of commercial establishments, generally characterized by an integrated or planned cluster of establishments served by a common parking area and/or generating large volumes of vehicular and pedestrian traffic. This District is intended to be the primary district in which consumer and service oriented activities are established. This District is also established for the following additional purposes:

- (1) To protect against fire and explosions, pollution, and other environmental hazards.
- (2) To protect, as far as possible, commercial centers against congestion.
- (3) To promote the most desirable uses of land and direction of building development in accordance with the Comprehensive Plan.
- (4) To promote stability of commercial development; to strengthen the economic base of the city; to protect the character of the district and its uses; to conserve the value of land and buildings; and to protect the city's tax base.
- (5) To promote the most efficient use of city facilities and services.

(B) Prohibited Uses:

- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
- (2) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.
- (3) Any outdoor storage which is not screened.

20.13 C-3 General Business District.

(A) The General Business District is established to provide for the development of business and commercial establishments which would generally be considered non-offensive and to provide for appropriate locations for development of more intense and higher density business districts as might be found in a downtown area or in the vicinity of a major intersection with high traffic volumes. This District is also established for the following additional purposes:

- (1) To protect against fire and explosions, pollution, and other environmental hazards.
- (2) To protect, as far as possible, against congestion.
- (3) To promote the most desirable uses of land and the direction of building development in accordance with the Comprehensive Plan.
- (4) To promote stability of commercial development; to strengthen the economic base of the city; to protect the city's tax base.
- (5) To promote the most efficient use of city facilities and services.

(B) Prohibited Uses:

- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
- (2) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.
- (3) Any outdoor storage which is not screened.

20.14 I-1 Light Industry District.

- (A) The Light Industry District is established to accommodate commercial operations, manufacturing operations, and industrial operations the external physical effects of which are generally restricted to the site occupied by a particular activity and which in no manner affect in a detrimental way any of the surrounding districts or activities. This District is generally intended for smaller scale industrial activities, clean industrial activities, all types of manufacturing and warehouse activities, and commercial activities which might be considered offensive or detrimental due to outside storage of material or generation of noise, dust, odor, or vibrations. This District is also established for the following additional purposes:
- (1) To permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material as long as such use has no adverse external effects such as noise or odor which extend beyond the property lines of the site.
 - (2) To protect against fire and explosions, pollution, and other environmental hazards.
 - (3) To protect, as far as possible, against congestion.
 - (4) To promote the most desirable uses of land and the direction of building development in accordance with the Comprehensive Plan.
 - (5) To promote stability of industrial development; to strengthen the economic base of the city; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.
- (B) Prohibited Uses:
- (1) Any building erected or land used for other than one or more of the uses specified as permitted in this District in Section 21.
 - (2) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.

20.15 I-2 Heavy Industry District.

- (A) The Heavy Industry District is established to accommodate industrial operations the external physical effects of which are restricted to the area of the District and which in no manner affect in a detrimental way any of the surrounding districts. This District is also established for the following additional purposes:
- (1) To permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of raw materials or finished or semi-finished products.
 - (2) To protect against fire and explosions, pollution, and other environmental hazards.
 - (3) To protect, as far as possible, against congestion.
 - (4) To promote the most desirable uses of land and direction of building development in accordance with the Comprehensive Plan.
 - (5) To promote stability of industrial development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (6) To promote the most efficient use of city facilities and services.

- (B) Prohibited Uses:
- (1) Those uses, which in the opinion of the Planning and Zoning Commission and/or City Commission would be detrimental to the health, safety, or general welfare of the citizens of Marshall or to adjacent development.
 - (2) Any use of property that does not meet the minimum yard, lot, and area requirements as specified in Section 23.

20.16 PD Planned Development District.

- (A) The Planned Development District is established to provide for a way of developing property which involves activities, combinations of activities, or lot requirements which are not available in the other zoning districts contained in this ordinance, and to allow unique developments which will contribute to an improved quality of life in Marshall and which cannot be accommodated in another Zoning District contained in this Ordinance. This district is also established for the following additional purposes:
- (1) To provide sufficient space in appropriate locations for all types of development to meet the present and future needs of the City, with allowance for a diversity of sites. The City Commission, after public hearing and proper notice to all parties affected and after recommendation from the city Planning and Zoning Commission, may authorize the creation of the following types of planned development districts anywhere within the City:
 - (a) General retail shopping center on tracts of one (1) acre or more.
 - (b) Housing development on tracts of one (1) acre or more, or a community unit development.
 - (c) Industrial parks or districts on tracts of ten (10) acres or more.
 - (d) Medical center and hospital.
 - (e) Office center.
 - (f) Commercial use development on tracts of one (1) acre or more.
 - (g) Recreation center.
 - (h) A combination of any of the developments listed in (a) through (g).
 - (i) Transition districts as an extension of an existing district whereby the provisions of transitional land uses, off-street parking, screening walls, open space and planting would create a protective transition between a lesser and a more restrictive district.
 - (2) In establishing a planned development district in accordance with this section, the City Commission shall require a comprehensive site plan of the development. Such site plan shall be approved and filed as part of the ordinance prior to the issuance of any building permit in a planned development district. Such required plan and ordinance shall establish the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the thoroughfare plan of the City, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls, or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property.
 - (3) Every planned development district approved under the provisions of this section shall be considered as an amendment to this section as applicable to the property involved. In approving the planned development district, the City Commission may impose conditions relative to the standard of development; and such conditions shall be complied with before a certificate of occupancy is issued for

the use of the land or any structure which is part of the planned development district; and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

- (4) To protect areas against pollution, environmental hazards, and other objectionable influences.
 - (5) To protect areas, as far as possible, against heavy and through traffic.
 - (6) To protect areas against congestion, as far as possible, by managing the density of population in and around them; by providing for off-street parking spaces; and by providing open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.
 - (7) To provide for privacy and access of light and air to windows, as far as possible, through controls over the spacing and height of building and other structures.
 - (8) To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan and not in conflict with the adopted policies of the city; to promote stability of development; to protect the character of an area; to conserve the value of land and buildings; and to protect the city's tax base.
 - (9) To promote the most efficient use of city facilities and services.
 - (10) To provide sufficient space, in appropriate locations with a variety of site choices, for development requiring higher intensity, generally characterized by an integrated or planned cluster of establishments served by a common access or parking area and/or generating large volumes of vehicular and pedestrian traffic.
 - (11) To protect against fire and explosions, pollution, and other environmental hazards.
- (B) Prohibited Uses:
- (1) In general, while it is not specifically prohibited to include any activity as a Planned Development other than those activities which are listed elsewhere in this Ordinance as prohibited in the City of Marshall, it is intended that this district not be used as a mechanism to allow individual activities to take place which could normally be provided for in another Zoning District contained in this Ordinance.
 - (2) Any use of property which is not specifically listed as permitted in the Ordinance for an individual planned development.

SECTION 21 PERMITTED USES

21.01 General provisions.

The list of activities which are permitted in each zoning district is contained in the table on the following pages. While this list is intended to be comprehensive, it is not intended that only those items which are included on the list be permitted in the City. The appropriate zoning district for any activity which is not on the list shall be determined as provided for in Section 15. The determination of the appropriate zoning district for an activity not included on the list should be done in a reasonable manner, taking into consideration the purposes and general characters of the zoning district, the compatibility of the proposed activity with other uses in the district in which it is to be placed, and the most desirable use of land and direction of building development in accordance with the Comprehensive Plan.

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
21.02. AGRICULTURAL USES																
Animal clinic or hospital - no outside runs or pens	S											X	X	X	X	
Animal clinic, hospital or kennel with outside runs or pens	S												X	X	X	
Animal pound or kennel with outside runs or pens	S													X	X	
Dairy	S													X	X	
Farm building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Farms and ranches	X	X	X	X	X	X										
Fish hatchery	S													X	X	
Gardening - non-commercial	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Greenhouse, plant nursery or orchard - non-commercial	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Hydroponic farming	S													X	X	
Livestock auction	S													X	X	
Livestock feeding plant, pens, or yards	S															S
Livestock grazing	X													X	X	
Poultry hatchery	S													X	X	
Truck garden	X												X	X	X	
Windmill	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
21.03 COMMERCIAL TYPE USES																
Accessory building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Bakery - commercial														X	X	
Blueprinting and photographic reproductions										X		X	X	X	X	
Bookbinding												X	X	X	X	
Bottling plant														X	X	
Business or commercial school										S		X	X	X	X	
Cleaning and pressing shops not in excess of six thousand (6,000) square feet												X	X	X	X	
Cleaning, laundry and/or dyeing plant - commercial														X	X	
Clothing manufacture or light compounding or fabrication														X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Cold storage plants																
Commercial printing or newspaper printing														X	X	
Contractors shop and storage yard													X	X	X	
Dairy products depot														X	X	
Egg processing - commercial	S													X	X	
Electrical equipment repair														X	X	
Engine and motor repair													X	X	X	
Engine repair as a home occupation														X	X	
Equipment sales and rental - outdoor											X	X	X	X		
Feed store														X	X	
Film developing and printing													X	X	X	
Florist - wholesale											X	X	X	X		
Frozen food locker													X	X	X	
Furniture - custom made													X	X	X	
Furniture repair											X	X	X	X		
Grain elevator											X	X	X	X		
Greenhouse - commercial	S												X	X	X	
Heavy equipment leasing or renting														X	X	
Heavy machinery sales and storage														X	X	
Landscape nursery - wholesale	S													X	X	
Lawn mower repair as a home occupation												X	X	X		
Light equipment and tool renting - indoor											X	X	X	X		
Machine shop											X	X	X	X		
Meat & game processing - no slaughtering													X	X		
Meat & game slaughtering and processing										X	X	X	X	X		
Mini-warehouse																
Motor vehicle repair as a home occupation											S	X	X	X		
Motor vehicle painting as a home occupation											X	X	X	X		
											X	X	X	X		

X denotes permitted use
Blank denotes prohibited use
S denotes Special Use Permit required
See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Motor vehicle repair as a home occupation												X	X	X	X	
Motorcycle repair as a home occupation												X	X	X	X	
Packaged foods - wholesale													X	X	X	
Paint shop													X	X	X	
Petroleum products - wholesale													X	X	X	
Plumbing shop													X	X	X	
Public scales													X	X	X	
Publishing company													X	X	X	
Scientific research laboratories										S		S	S	X	X	
Small engine repair as a home occupation												X	X	X	X	
Storage and sale of furniture or appliances outside a building														X	X	
Storage or sales warehouse													X	X	X	
Taxidermist												X	X	X	X	
Trade school													X	X	X	
Trailer rental or sales													X	X	X	
Transfer, storage and baggage terminal													X	X	X	
Trophies and awards												X	X	X	X	
Upholstery shop												X	X	X	X	
Vehicle pound															S	
Warehouse - general													X	X	X	
Wholesaling - general													X	X	X	
21.04 CONSTRUCTION AND HOME IMPROVEMENT																
Building and house mover - equipment and storage														X	X	
Building contractor - equipment and storage														X	X	
Building materials - screened												X	X	X	X	
Building materials - unscreened														X	X	
Cabinet shop													X	X	X	
Carpenter shop													X	X	X	
Concrete products - manufacturing														X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Excavating contractor equipment and storage														X	X	
Home improvement center												X	X	X	X	
Lumber yard														X	X	
Moving and storage warehouse													X	X	X	
Paving contractor - equipment & storage														X	X	
Portable building sales and rental													X	X	X	
Stone contractor - equipment & storage														X	X	
Temporary building for construction purposes only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
21.05 EATING ESTABLISHMENTS																
Cafeteria												X	X	X	X	
Confectionary - donut shop												X	X	X	X	
Dinner theater												X	X	X	X	
Drive-in restaurant												X	X	X	X	
Private club for consumption of alcoholic beverages as accessory use to a restaurant												X	X	X	X	
Restaurant - inside service only												X	X	X	X	
Snack shop												X	X	X	X	
Tavern, lounge or private club													S	S	S	
21.06 EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES																
Art gallery										X		X	X	X	X	
Athletic instruction schools												X	X	X	X	
Boarding school - private	S	S	S	S	S	S	S	S	S	S		X	X			
Business or commercial school										S		X	X	X	X	
Cemetery or mausoleum	X													X	X	
Charitable boarding - temporary												X	X			
Child care centers or pre-schools (private, public or denominational) for more than four (4) children not related by blood	S	S	S	S	S	S	S	S	S	X	S	X	X	S	S	

*
*

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Child care centers or pre-schools for not more than four (4) children not related by blood	X	X	X	X	X	X	X	X	X	X	X	X	X	S	S	
Church	S	S	S	S	S	S	S	S	S	X	S	X	X	X	X	
College or University	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Convent or monastery	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Convention facilities												X	X	X	X	
Correspondence schools												X	X	X	X	
Dance or baton schools										X		X	X	X	X	
Day camp	X											X	X	X	X	
Dormitory	S	S	S	S	S	S	S	S	S	S	S	X	X			
Fairground or exhibit area	S												X	X	X	
Fraternal lodge or membership organization												X	X	X	X	
Halfway house								S				X	X	S	S	
Institutions of religious or philanthropic nature												X	X	X	X	
Juvenile home								S				X	X	S	S	
Library	S	S	S	S	S	S	S	S	S	X	S	X	X	X	X	
Museum										X		X	X	X	X	
Orphanage/non-family foster home								S				X	X	S	S	
Public, private or denominational kindergarten, elementary, or secondary school	S	S	S	S	S	S	S	S	S	S	S	X	X	S	S	
Sorority/fraternity								S				X	X	X	X	
Sorority/fraternity house on college campus	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Trade school													X	X	X	
Youth organization with living facilities								S				X	X	X	X	
Youth organization without living facilities												X	X	X	X	
21.07 GENERAL MANUFACTURING AND INDUSTRIAL USE																
Analytical laboratory														X	X	
Animal fertilizer factories															S	
Artificial flowers - manufacture														X	X	
Artificial limbs - manufacture														X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Asphalt batching plant - permanent															X	
Asphalt batching plant - temporary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	
Awning - manufacture														X	X	
Bottling of drinks or foodstuffs														X	X	
Brick kiln or tile plant														X	X	
Candy - manufacture														X	X	
Cement or hydrated lime manufacture															S	
Clothing manufacture														X	X	
Concrete batching plant - permanent															X	
Concrete batching plant - temporary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	
Drug manufacture														X	X	
Electroplating														X	X	
Feed manufacture														X	X	
Feed products - storage														X	X	
Fireworks or other explosives - manufacture or storage															S	
Foodstuffs (not including live animals and poultry) - storage												X	X	X		
Garbage, offal, dead animals or refuse - storage															S	
Gunpowder - manufacture or storage															S	
Heavy manufacturing or industrial uses not prohibited by law and excepting those specifically listed as requiring Special Use Permits															X	
High risk uses															S	
Ice - manufacture														X	X	
Ice cream and dairy products - manufacture														X	X	
Junk yards															S	
Laboratory - manufacture														X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Leather products - manufacture														X	X	
Light fabrication and assembly processes														X	X	
Light manufacture or industrial														X	X	
Lithographing														X	X	
Meat packaging plant													X	X	X	
Milk products - storage													X	X	X	
Millinery products - manufacture and/or storage														X	X	
Multilithy														X	X	
Neon signs - manufacture														X	X	
Optical goods - manufacture														X	X	
Packaging of foodstuffs													X	X	X	
Paint - mixing or manufacture														X	X	
Paper products - manufacture															X	
Plastic products - manufacture															X	
Preparation of pharmaceutical products														X	X	
Processing and fabrication of pre-manufactured parts or material into finished or semi-finished products for re-sale and/or distribution														X	X	
Salvage yard																S
Sanitary landfill area	S															
Scrap metal storage																S
Sheet metal shop														X	X	
Slaughterhouse																S
Smelter or refinery																S
Stockyards																S
Storage warehouse													X	X	X	
Welding or machine shop														X	X	
Any other use which is obnoxious or offensive by reason of odor, dust, smoke, gas, or noise																S

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
21.08 MEDICAL AND RELATED USES																
Care facility for alcoholics drug dependents, psychiatric or handicapped patients										X		X	X	S	S	
Complex for the elderly or residence for the elderly without food services, housekeeping service, health care, and/or administrative personnel								X					S			
Complex for the elderly, residence for the elderly, nursing home, or convalescent center with food service, housekeeping service, health care, and/or administrative personnel								S		X		X	X			
Group care home for six (6) or fewer people	X	X	X	X	X	X	X	X	X	X	X	X	X			
Group care home for seven (7) or more people	S	S	S	S	S	S	S	S	S	S	S	S	S			
Health care clinics										X		X	X	S	S	
Health care practitioners office										X		X	X	S	S	
Hospital - chronic care										X		X	X	S	S	
Hospital - general acute care										X		X	X	S	S	
Medical school	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Medical and surgical appliances												X	X	S	S	
Medical Lab										X		X	X	S	S	
Mortuary or funeral home										X		X	X			
Optical dispensary												X	X	X	X	
Pharmacy												X	X	X	X	
21.09 MOTOR VEHICLES AND RELATED USES																
Automatic car wash												X	X	X	X	
Automobile leasing and rental												X	X	X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Automobile wrecking yard																S
Automobile glass												X	X	X	X	
Auto painting and body repair														X	X	
Auto sales and repair - indoor												X	X	X	X	
Auto repair - major - indoor												X	X	X	X	
Auto repair - outdoor														X	X	
Car dealer - new													X	X	X	
Car dealer - used													X	X	X	
Car washing service												X	X	X	X	
Engine repair as a home occupation												X	X	X	X	
Farm equipment sales														X	X	
Gasoline filling station												X	X	X	X	
Lawn mower repair as a home occupation												X	X	X	X	
Mobile home sales													X	X	X	
Motorcycle sales and service													X	X	X	
Motorcycle repair as a home occupation												X	X	X	X	
Motor vehicle painting as a home occupation												X	X	X	X	
Motor vehicle repair as a home occupation												X	X	X	X	
New or rebuilt parts and supplies - indoor only												X	X	X	X	
New truck or bus sales and service														X	X	
Parking garage or lot - commercial										X		X	X	X	X	
Recreation vehicles - sales and service													X	X	X	
Repair shop for such uses as motorcycles, taxi cabs, buses, trucks and farm equipment														X	X	
Seat cover and muffler installation shop													X	X	X	
Self-service car wash												X	X	X	X	
Service station - full service													X	X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	●	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Professional offices										X	X	X	X	X	X	
Recording studio										X		X	X	X	X	
Savings and loan										X		X	X	X	X	
Travel bureau or consultant										X		X	X	X	X	
21.12 RECREATIONAL, SOCIAL AND ENTERTAINMENT																
Amusement parks													X	X	X	
Arcade								S	S	S		S	S	S	S	
Ballrooms - commercial													X	X	X	
Boat storage - commercial - indoor													X	X	X	
Boat storage - commercial - outdoor														X	X	
Bowling alley												X	X	X	X	
Carnival or circus												X	X	X	X	
Community recreation center - commercial												X	X	X	X	
Community recreation center - private or public	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Country club	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Dance hall or nightclub in which alcoholic beverages are consumed													S	S	S	
Dance hall or nightclub in which consumption of alcoholic beverages is not allowed													X	X	X	
Drive-in theater													X	X	X	
Driving range	S											X	X	X	X	
Go-cart track												X	X	X	X	
Golf course - commercial, municipal or private	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Handball or racquetball courts - commercial												X	X	X	X	
Marina	X	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Miniature golf courses	S											X	X	X	X	
Motor vehicle racetrack	S													S	S	
Park or playground - private	S	S	S	S	S	S	S	S	S	X	S	X	X	X	X	
Park or playground - public	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

X denotes permitted use
Blank denotes prohibited use
S denotes Special Use Permit required
See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development					
Private club for consumption of alcoholic beverages as an accessory use to use to a restaurant												X	X	X	X	
Private club with consumption of alcoholic beverages													S	S	S	
Riding academy	S												X	X	X	
Rodeo	S												X	X	X	
Roller or ice skating rink												X	X	X	X	
Shooting range - indoor												X	X	X	X	
Shooting range - outdoor	S													X	X	
Stable - commercial	S												X	X	X	
Stable - private - See Chapter 4, Code of Ordinances	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Stadiums, arenas, athletic fields - public	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Swimming club - private	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Swimming pool - commercial	S											X	X	X	X	
Swimming pool - public	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Swimming pool - residential	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Tavern, lounge, or private club													S	S	S	
Tennis club - private	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	
Tennis courts - commercial												X	X	X	X	
Tennis courts - residential	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Theater - other than drive-in type												X	X	X	X	
Trampoline centers												X	X	X	X	
Zoo	S															
21.13 REPAIR AND SERVICE																
Air conditioning service													X	X	X	
Aircraft repairing														X	X	
Battery repairing and rebuilding													X	X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Carpet & rug cleaning and repairing													X	X	X	
Commercial and industrial equipment repair														X	X	
Diaper service												X	X	X	X	
Engine repair as a home occupation												X	X	X	X	
Furniture & upholstery cleaning & repair/reupholstering												X	X	X	X	
Guard and patrol service										X		X	X	X	X	
Household appliance service												X	X	X	X	
Janitorial service												X	X	X	X	
Lawn and garden equipment repair													X	X	X	
Lawn mower repair as a home occupation												X	X	X	X	
Motorcycle repair as a home occupation												X	X	X	X	
Motor vehicle painting as a home occupation												X	X	X	X	
Motor vehicle repair as a home occupation												X	X	X	X	
Office equipment repair & maintenance												X	X	X	X	
Pest control												X	X	X	X	
Repair and service shop													X	X	X	
Septic tank service														X	X	
Small engine repair as a home occupation												X	X	X	X	
Uniform supply service												X	X	X	X	
21.14 RESIDENTIAL USES																
Accessory buildings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Accessory quarters	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Apartment								X					S			
Bed and breakfast	S	S	S	S	S		S	S		S	S	X	X			
Boarding, rooming or lodginghouse								X				X	X			
Condominium							X	X					S			
Custodial quarters												S	S	S	S	
Duplex							X	X				X	X			
Engine repair as a home occupation												X	X	X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Group care home for six (6) or fewer people	X	X	X	X	X	X	X	X	X	X	X	X	X			
Group care home for seven (7) or more people	S	S	S	S	S	S	S	S	S	S	S	S	S			
Home occupation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Hotel or motel												X	X			
HUD Code home									X							
Lawn mower repair as a home occupation												X	X	X	X	X
Manufactured home									X							
Mobile home as fixed dwelling									X							
Modular home	X	X	X	X	X	X	X	X	X	X	X	X	X			
Motorcycle repair as a home occupation												X	X	X	X	
Motor vehicle painting as a home occupation												X	X	X	X	
Motor vehicle repair as a home occupation												X	X	X	X	
Multifamily dwelling								X					S			
Patio home						X	X	X		X		X	X			
Quadraplex							X	X				X	X			
Recreational vehicle									X							
Single family dwelling - attached						X	X	X		X		X	X			
Single family dwelling - detached	X	X	X	X	X	X	X	X	X	X	X	X	X			
Small engine repair as a home occupation												X	X	X	X	X
Townhouse						X	X	X		X		X	X			
Trailer, travel trailer, mobile home or recreational vehicle park									X							
Triplex							X	X				X	X			
Zero lot line home						X	X	X		X		X	X			
21.15 RETAIL SALES AND SERVICES																
Answering service										X	X	X	X	X	X	
Antiques											X	X	X	X	X	
Appliances												X	X	X	X	
Art studio										X	X	X	X	X	X	
Art supplies												X	X	X	X	
Bathhouse													X	X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Bakery or confectionary shop - retail												X	X	X	X	
Beauty shop or barber shop										X	X	X	X	X	X	
Boating equipment - sales and service													X	X	X	
Book or stationery shop											X	X	X	X	X	
Candy, cigars and tobacco - retail only												X	X	X	X	
Camera shop												X	X	X	X	
Catering and wedding service											X	X	X	X	X	
Christmas tree sales											X	X	X	X	X	
Clothing											X	X	X	X	X	
Convenience food store												X	X	X	X	
Convenience food store with gas pumps												X	X	X	X	
Dance studio												X	X	X	X	
Department stores												X	X	X	X	
Drapery, needlework, or weaving shop											X	X	X	X	X	
Engraving												X	X	X	X	
Farm equipment sales and service														X	X	
Feed dealers - retail													X	X	X	
Film pick-up station												X	X	X	X	
Firewood - bulk sales														X	X	
Flea market - indoor												X	X	X	X	
Flea market - outdoor														X	X	
Florist or garden shop - retail only											X	X	X	X	X	
Furniture store - new retail or used												X	X	X	X	
Garage sales	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Gift or card shop											X	X	X	X	X	
Greenhouse or plant nursery - retail												X	X	X	X	
Grocery store - retail only												X	X	X	X	
Gunsmith - repair												X	X	X	X	
Handball or racquetball courts. - commercial												X	X	X	X	
Handicraft shop											X	X	X	X	X	
Hardware store											X	X	X	X	X	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	Agriculture and Estate	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development					
Health studio or fitness club												X	X	X	X	
Household appliance service and repair												X	X	X	X	
Jewelry												X	X	X	X	
Landscape nursery - retail	S											X	X	X	X	
Liquor store												X	X	X	X	
Locksmith											X	X	X	X	X	
Meat market - retail only											X	X	X	X	X	
Offices - professional and administrative										X	X	X	X	X	X	
Optical goods												X	X	X	X	
Paint store - retail												X	X	X	X	
Pawnbroker												X	X	X	X	
Pet grooming and supplies											X	X	X	X	X	
Pet shop - retail sales											X	X	X	X	X	
Photographer's studio										X	X	X	X	X	X	
Photographic supplies												X	X	X	X	
Pharmacy - retail only												X	X	X	X	
Produce stand - outdoor													X	X	X	
Public market													X	X	X	
Retail stores and shops												X	X	X	X	
Seamstress, dressmaker, or tailor											X	X	X	X	X	
Secondhand store or used furniture												X	X	X	X	
Shoe repair shop											X	X	X	X	X	
Sidewalk sales conducted by a permanently established business on same or adjacent property on a temporary basis												X	X	X	X	
Specialty shop or boutique											X	X	X	X	X	
Stone monuments - retail sales												X	X	X	X	
Supermarket												X	X	X	X	
Uniform shop												X	X	X	X	
Used merchandise - outdoor display														X	X	

X denotes permitted use
Blank denotes prohibited use
S denotes Special Use Permit required
See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Washateria - equipped with self-service automatic washing machines												X	X	X	X	
Wearing apparel and accessories												X	X	X	X	
21.16 SIGNS - See Sign Ordinance, Chapter 24, Code of Ordinances for Details																
Advertising sign - off-premises												X	X	X	X	
Agricultural Sign	X															
Apartment name sign								X								
Billboard or commercial sign												X	X	X	X	
Construction sign - temporary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Development sign - on premises	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
General business sign - on premises - See Chapter 24										X	X	X	X	X	X	
Institutional sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Name plate - not to exceed one (1) square foot	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Signs for churches and schools not in excess of eighteen (32) square feet and not using flashing or intermittent lights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Temporary signs for the sale or rental of property	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Temporary special development signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
21.17 TRANSPORTATION TYPE USES																
Air freight terminal													X	X	X	
Airport or landing field	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Ambulance service when a separate use												X	X	X	X	
Bus stop shelter	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Bus terminal building												X	X	X		
Hauling or storage company												X	X	X		
Heliport	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Loading and unloading docks and team tracks												X	X	X		

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Motor freight terminal													X	X	X	
Off -street parking incidental to main use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Parking garage or lot										X		X	X	X	X	
Railroad freight terminal											X		X	X	X	
Railroad passenger station												X	X	X	X	
Railroad team track												X	X	X	X	
Railroad track or right-of-way	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Railroad yard													X	X	X	
Recreational vehicle park									X							
Taxi stand										X		X	X	X	X	
Truck parking lot														X	X	
21.18 UTILITY AND RELATED SERVICE ACTIVITIES																
Accessory building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Antenna tower - commercial	S											S	S	S	S	
Antenna -commercial-co-location, for antennas not in excess of twenty (20) linear feet	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Antenna-tower-commercial not more than seventy five (75) feet in height as an accessory use	X												X	X	X	
Antenna - commercial when installed on or in an existing alternative mounting structure when antenna contained wholly in a structure or does not extend more than ten (10) linear feet above structure	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Artesian water wells	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Electrical generating plant																S
Electrical substation	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	
Electrical transmission line	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Field or construction office - temporary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Fire station or similar public safety building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Gas transmission line and metering station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

X denotes permitted use
 Blank denotes prohibited use
 S denotes Special Use Permit required
 See Section 22 for Special Use Permit requirements

	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH	O	C-1	C-2	C-3	I-1	I-2	PD
	Agriculture and Estate	Single Family Detached	Duplex, Triplex, Quadraplex	Multifamily	Mobile Home	Office	Restricted Business	Retail Business	General Business	Light Industry	Heavy Industry	Planned Development				
Local utility distribution lines	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Off-street parking incidental to main use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Private utility shop or storage													X	X	X	
Public building, shop, or yard of local, state, or federal government	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	
Public utility facilities	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	
Public water reservoir or well	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Radio and television or microwave tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Radio and T.V. studios												X	X	X	X	
Sanitary landfill	S															
Sewage pumping station	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sewage treatment plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Telephone business office										X		X	X	X	X	
Telephone line and exchange switching or relay station excluding the conduct of public business and repair and/or storage facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Utility contractors															X	X
Water reservoir, water pumping station, well or tower	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Water treatment plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

SECTION 22
ACTIVITIES WHICH REQUIRE A SPECIAL USE PERMIT

The purpose of this section is to provide for certain activities which, when operated, maintained, or conducted under certain specific or special conditions; are not detrimental to the public health and safety, maintain and contribute to separation of land uses, and allow an individual greater use of his property while still providing protection and assurance to adjacent property owners. Special Use Permits may be granted or denied at the discretion of the City Commission, after a recommendation has been made by the Planning and Zoning Commission. Both Commissions shall give due consideration to the protection of adjoining properties and the surrounding area.

The activities listed in this Section are those which are listed in the Permitted Uses Table in Section 21 as requiring approval of a Special Use Permit. The same procedure which is followed in considering a rezoning request shall be followed in considering a request for a Special Use Permit.

Every special use granted under the provisions of this section shall be considered as an amendment to the zoning regulations as applicable to such property. In granting such permit the City Commission may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the building official for the use of the buildings on such property pursuant to said special permit; and such conditions shall not be construed as conditions precedent to the granting of a special permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy. The General Requirements which are listed in this Section apply to all items listed in this Section unless otherwise specified for that item.

22.01 General requirements.

- (A) A site plan of the proposed activity shall be provided at the time the application is submitted. The site plan shall be drawn to scale and shall show all relevant information including dimensions of the property, building locations, building setbacks, distances between buildings, parking, driveways, etc. If approved, the activity shall conform to the site plan, which is submitted.
- (B) Unless otherwise specified, a Special Use Permit shall be approved for the life of the activity. If the activity is discontinued for a period of six (6) consecutive months or more, a new Special Use Permit must be approved.
- (C) Other reasonable requirements and safeguards which are deemed necessary to protect adjoining property may be required by the City Commission in the granting of a Special Use Permit in addition to the conditions specified for each item.
- (D) All Special Use Permits will be reviewed annually to assure compliance with these regulations. If violations exist, the applicant for the Special Use Permit and/or the owner of the property will be notified in writing of the violations and will be allowed sixty (60) days to correct the violation. If the violations continue to exist, the Special Use Permit will terminate upon the completion of sixty (60) days from the date of the notification of the violations unless the Special Use Permit is again granted by the City Commission to the permittee after application, notice, and hearing before the Planning and Zoning Commission and City Commission in accordance with the procedural requirements of the Zoning Ordinance of the City of Marshall.

22.02 Agricultural type uses.

- (A) Animal clinic, hospital, kennels, or pounds with or without outside runs or pens.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.

- (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (3) A buffer shall be required for this activity as provided for in Section 29.
- (B) Dairy.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (C) Fish hatchery.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (D) Hydroponic farming.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (E) Livestock auction.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (F) Livestock feeding plant, pens, or yard.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E and I-2 districts upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (G) Poultry hatchery.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (H) Windmill.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, C-2, C-3, C-4, I-1, and I-2 districts upon approval of a Special Use Permit.

22.03 Commercial type uses.

- (A) Business or commercial school.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the O district upon approval of a Special Use Permit.
- (B) Egg processing – commercial.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (C) Grain elevator.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (D) Greenhouse – commercial.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (E) Landscape nursery – wholesale.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (F) Mini-warehouse or rental storage units.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) The Planning and Zoning Commission may recommend and the City Commission may establish additional requirements for the construction, occupancy and use of the storage units as may be found necessary and appropriate for a particular site. These requirements may include fencing, screening, siting, limitation on number of storage units, or other factors as may be necessary to allow this activity to be established with a minimal impact on the surrounding property.
 - (3) This activity shall be permitted in the C-2 district upon approval of a Special use Permit.
- (G) Scientific research laboratories.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) Laboratories, which work with toxic, hazardous, dangerous, volatile, poisonous, radioactive, or similar material shall not be considered for a Special Use Permit.
 - (3) This activity shall be permitted in the O, C-2, and C-3 districts upon approval of a Special Use Permit.

- (H) Vehicle pound.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A solid fence with a height of at least six (6) feet shall be required on all sides of the vehicle pound so that the view of the facility and all materials therein from adjacent property and from public roads is completely blocked. Trees shall be planted inside the fence as a visual buffer. The trees shall be tall enough so that after they are planted, there will be a minimum distance of seven (7) feet measured from the surface of the ground to the top of the tree. The trees shall be planted a maximum distance of twenty (20) feet apart.

22.04 Eating establishments.

- (A) Tavern, lounge, or private club.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-3, I-1, and I-2 districts upon approval of a Special Use Permit.

22.05 Educational, institutional, and special uses.

- (A) Boarding school – private.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, and O districts upon approval of a Special Use Permit.
- (B) Business or commercial school.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the O district upon approval of a Special Use Permit.
- (C) Child care center, nurseries, or pre-schools.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, C-1, I-1, and I-2 districts upon approval of a Special Use Permit.
 - (3) In the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, and MH districts, the location at which the child care center is operated shall be the full-time or primary place of residence of the operator. No employees from outside the home shall be permitted at a child care center in these districts. The number of children to be cared for shall be specified in the permit, and in no case shall more than twelve (12) children be cared for at any one time.
 - (4) In any district, renewal of the Special Use Permit shall be required every five (5) years.
- (D) Church.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, and C-1 districts upon approval of a Special Use Permit.

- (E) College or university.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, and C-1 districts upon approval of a Special Use Permit.
- (F) Convent or monastery.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, and C-1 districts upon approval of a Special Use Permit.
- (G) Dormitory.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, and C-1 districts upon approval of a Special Use Permit.
- (H) Fairground or exhibit areas.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (I) Halfway house.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the MF, I-1, and I-2 districts upon approval of a Special Use Permit.
- (J) Juvenile home.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the MF, I-1, and I-2 districts upon approval of a Special Use Permit.
- (K) Library.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, and C-1 districts upon approval of a Special Use Permit.
- (L) Orphanage/non-family foster home.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the MF, I-1, and I-2 districts upon approval of a Special Use Permit.
- (M) Public, private, or denominational kindergarten, elementary or secondary school.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, I-1, and I-2 districts upon approval of a Special Use Permit.

- (N) Sorority/fraternity.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the MF district upon approval of a Special Use Permit.
- (O) Youth organization with living facilities.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the MF district upon approval of a Special Use Permit.

22.06 General manufacturing and industrial uses.

- (A) Animal fertilizer factories.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (B) Asphalt batching plant – temporary.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, C-2, C-3, and I-1 districts upon approval of a Special Use Permit.
 - (3) The Special Use Permit shall be renewed every year.
 - (4) A buffer shall be required for this activity as provided for in Section 29.
- (C) Cement or hydrated lime manufacture.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (D) Concrete batching plant – temporary.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, C-2, C-3, and I-1 districts upon approval of a Special Use Permit.
 - (3) The Special Use Permit for this activity shall be renewed every year.
 - (4) A buffer shall be required for this activity as provided for in Section 29.
- (E) Fireworks or other explosives – manufacture or storage.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.

- (F) Garbage, offal, dead animals, or refuse – storage.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (G) Gunpowder – manufacture or storage.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (H) High risk uses.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (I) Junk yard.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A solid fence with a height of at least six (6) feet shall be required on all sides of the junkyard so that the view of the junkyard and all materials therein from adjacent property and from public roads is completely blocked. Trees shall be planted inside the fence as a visual buffer. The trees shall be tall enough so that after they are planted, there will be a minimum distance of seven (7) feet measured from the surface of the ground to the top of the tree. The trees shall be planted a maximum distance of twenty (20) feet apart.
 - (4) The Special Use Permit shall be renewed every five (5) years to ensure that the activity is in compliance with these conditions.
- (J) Salvage yard.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for a junkyard in Section 22.06(I).
- (K) Sanitary landfill area.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
 - (4) The regulations of other appropriate agencies shall be complied with.
- (L) Scrap metal storage.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for a junkyard in Section 22.06(I).

- (M) Slaughterhouse.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 District upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (N) Smelter or refinery.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (O) Stockyards.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.
- (P) Any other use which is obnoxious or offensive by reason of odor, dust, smoke, gas, noise, or similar characteristics.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
 - (3) The time limit for a special use permit for an activity in this category shall be recommended by the Planning and Zoning Commission and approved by the City Commission.
 - (4) Determination of whether an activity falls in this category shall be based on Section 15.
 - (5) A buffer shall be required for this activity as provided for in Section 29.

22.07 Medical and related uses.

- (A) Care facilities for alcoholics, drug dependents, psychiatric, or handicapped patients.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.
- (B) Complex for the elderly or residence for the elderly without food services, housekeeping services, health care, and/or administrative personnel.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-3 district upon approval of a Special Use Permit.
- (C) Complex for the elderly, residence for the elderly, nursing home, or convalescent center with food service, housekeeping service, health care, and/or administrative personnel.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.

- (2) This activity shall be permitted in the MF district upon approval of a Special Use Permit.
- (D) Group care home for seven (7) or more people.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, C-2, and C-3 districts upon approval of a Special Use Permit.
- (E) Health care clinics.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.
- (F) Health care practitioner's office.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.
- (G) Hospital – general acute care.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.
- (H) Hospital – chronic care.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.
- (I) Medical school.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, and C-1 districts upon approval of a Special Use Permit.
- (J) Medical and surgical appliances.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.
- (K) Medical lab.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-1 and I-2 districts upon approval of a Special Use Permit.

22.08 Motor vehicle and related uses.

- (A) Automobile wrecking yard.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for a junkyard in Section 22.06(I).

- (B) Wrecking or salvage yard.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for a junkyard in Section 22.06(I).

22.09 Natural resource storage and extraction.

- (A) Extraction and/or storage of sandpoliche, stone, gravel, or clay.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in all districts upon approval of a Special Use Permit.
 - (3) A buffer shall be required for this activity as provided for in Section 29.

22.10 Recreational, social, and entertainment.

- (A) Arcade.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the MF, MH, O, C-2, C-3, I-1, and I-2 districts upon approval of a Special Use Permit.
 - (3) In considering applications for Special Use Permits for the location of arcades, the following criteria shall be considered:
 - (a) The effect that arcade-related traffic will have on adjacent areas.
 - (b) The amount and location of parking which would be provided.
 - (c) The location of the arcade with respect to residential areas.
 - (d) The nuisance factor of outside trade.
 - (e) The location of the arcade (whether it is in a building with other uses or whether it is a solitary use).
 - (4) For arcades requested to be located in MH or MF districts, no more than one amusement machine is allowed for each ten (10) multifamily dwelling units or mobile home/travel trailer spaces.
 - (5) The site plan which must be submitted with the application for Special Use Permits shall include, but is not limited to the following:
 - (a) The number of machines/games/tables to be placed in the facility.
 - (b) The location and number of off-street parking spaces to be provided.
 - (c) The dimensions of the tract of land and of the building.
 - (d) The number of machines per square foot of building area.
 - (e) The restroom facilities which would be available.
- (B) Community recreation center – private or public.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O and C-1 districts upon approval of a Special Use Permit.
- (C) Country club.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O and C-1 districts upon approval of a Special Use Permit.

- (D) Dance hall or nightclub in which alcoholic beverages are consumed.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-3, I-1, and I-2 districts upon approval of a Special Use Permit.
- (E) Driving range.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (F) Golf course – commercial, private, or municipal.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O and C-1 districts upon approval of a Special Use Permit.
- (G) Marina.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, and C-1 districts upon approval of a Special Use Permit.
- (H) Miniature golf course.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (I) Motor vehicle racetrack
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
- (J) Park or playground – private.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, and C-1 districts upon approval of a Special Use Permit.
- (K) Private club with consumption of alcoholic beverages.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-3, I-1, and I-2 districts upon approval of a Special Use Permit.
- (L) Riding academy.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.

- (M) Rodeo.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (N) Shooting range – outdoor.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (O) Stable – commercial.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (P) Stadiums, arenas, and athletic fields – public.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, and C-1 districts upon approval of a Special Use Permit.
- (Q) Swimming club – private.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, and C-1 districts upon approval of a Special Use Permit.
- (R) Swimming pool – commercial.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.
- (S) Swimming pool – public.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O and C-1 districts upon approval of a Special Use Permit.
- (T) Tavern, lounge, or private club.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-3, I-1, and I-2 districts upon approval of a Special Use Permit.
- (U) Tennis club – private.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O and C-1 districts upon approval of a Special Use Permit.

- (V) Zoo.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.

22.11 Residential uses.

- (A) Apartment.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-3 district upon approval of a Special Use Permit.
 - (3) The yard, lot, area, and height requirements of the C-3 district shall apply to buildings which are built for apartments or which are converted to use as apartments.
- (B) Bed and breakfast.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, O, and C-1 districts upon approval of a Special Use Permit.
 - (3) No more than from five (5) to eight (8) persons in addition to members of the family living in the residence may be accommodated at one time. If four (4) or fewer people are to be accommodated, a Special Use Permit shall not be required. If more than eight (8) people are to be accommodated, a zoning change shall be required.
 - (4) Off-street parking shall be provided at a ratio of one (1) space for each bedroom in the residence.
 - (5) The off-street parking area shall be an all-weather surface and shall not be located in the front yard of the residence.
 - (6) The off-street parking area shall be screened by a solid six-foot fence or by dense bushes or shrubbery.
 - (7) No alterations or modifications shall be made to the exterior of a building to alter the appearance of a building as a residence if it is located in a residential area.
 - (8) A single sign may be permitted on the premises to advertise the bed and breakfast establishment. The sign shall not exceed one (1) square foot in area and the sign shall not be lighted.
 - (9) All other City Codes, including Fire Codes and Health Codes, shall be complied with.
 - (10) A bed and breakfast establishment shall be located in a single family residence or one-family dwelling and not in a duplex, triplex, quadraplex, or multifamily dwelling.
 - (11) The residence shall be the full time place of residence of the owner of the property or the resident manager of the property.
 - (12) The Special Use Permit shall be renewed every five (5) years to assure that all conditions are being complied with.
- (C) Condominium
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for apartments in Section 22.11(A).

- (D) Custodial quarters.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the C-2, C-3, I-1, and I-2 districts upon approval of a Special Use Permit.
- (E) Group care home for seven (7) or more people.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O and C-1, C-2, and C-3 districts upon approval of a Special Use Permit.
- (F) Multifamily dwelling.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for apartments in Section 22.11(A).

22.12 Retail sales and services.

- (A) Landscape nursery – retail.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E district upon approval of a Special Use Permit.

22.13 Transportation type uses.

- (A) Airport or landing field.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in all districts upon approval of a Special Use Permit.
- (B) Heliport.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for an airport or landing field in Section 23.13(A).

22.14 Utility and related service activities.

- (A) Antenna tower – commercial.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, C-2, C-3, I-1 and I-2 districts upon approval of a Special Use Permit.
 - (3) The applicant for a Special Use Permit shall submit a master antenna plan with maps showing the location and characteristics of all of the applicant's towers and antennas serving any portion of the City and indicating the covered areas for existing, proposed, and to the extent possible, future telecommunications towers and antennas. The applicant shall submit a report with an application for a Special Use Permit demonstrating that no existing tower or structure, in the geographic area required to meet the applicant's engineering requirements, can accommodate the applicant's proposed antenna. Each existing tower location shall be listed with a statement of its suitability of co-location.
 - (4) An antenna tower shall be designed and built to accommodate a minimum of three telecommunications providers, if over 180 feet in height. The owner of the tower

must certify to the City the capacity of the tower and that the tower is available for co-location on a reasonable and non-discriminatory basis.

- (5) An antenna tower in excess of 180 feet in height must be located a minimum of one (1) miles from any existing tower in excess of 180 feet in height. Towers for broadcast radio, cable television, and television antenna shall be exempt from the distance requirements specified in this paragraph.
- (6) Towers and accessory facilities shall satisfy the minimum yard setback requirements for the zoning district in which they are located. Towers visible from public streets shall observe a minimum setback of fifty (50) feet from the street right-of way. Setback shall be measured from the base of guys for guyed towers or for self-supporting towers from the base of the tower. Except that an antenna tower shall be set back from any residential zoning district a distance equal to 110 percent of the fall zone as designated by a licensed professional engineer to the nearest single family residential zoning district and an antenna tower shall be set back from any occupiable structure a distance equal to 110 percent of the fall zone of the tower as designated by a licensed professional engineer.
- (7) A fence shall be required around an antenna tower and all supporting members. The fencing shall not be less than eight (8) feet in height measured from finished grade and shall have a minimum of two strands of barbed wire along the top edge. Access shall be through a locked gate. The access ladder shall begin a minimum of twelve (12) feet above the base of the tower.
- (8) Towers shall maintain a galvanized steel finish, subject to standards of the Federal Aviation Administration, so as to reduce visual obtrusiveness. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required by the Federal Aviation Administration other Federal, State or local authority shall be prohibited on any antenna tower. The tower, tower facilities and property shall be maintained to meet the requirements of the City of Marshall Code of Ordinances.
- (9) The applicant shall submit documentation that the antenna and tower comply with the height and illumination restrictions, proximity to airports and airfields, and radiation standards established by the Federal Aviation Administration and other applicable Federal, State or other authorities and the applicant shall carry general liability insurance in the amount of a minimum of \$1,000,000 per occurrence. Proof of such insurance shall be provided prior to issuance of a building permit for the tower.
- (10) In the event an antenna tower has not been constructed within a period of six months from approval of a Special Use Permit, the permit shall be considered null and void. An extension of six (6) months can be granted by the Director of Planning for extenuating circumstances. In the vent the use of any antenna tower has been discontinued for a period of six (6) months, the antenna tower shall be deemed abandoned. Determination of the date of abandonment shall be made by the Director of Planning who shall have the right to request documentation from the owner/operator regarding the issue of usage. Upon the determination of abandonment, the owner/operator of the antenna tower shall remove same within ninety (90) days of receipt of notice from the director of Planning notifying the owner/operator of such abandonment. If said antenna support structure is not removed within ninety (90) days, the Director of Planning may cause it to be removed at the owner's expense.
- (11) Towers installed by local government for the conduct of public business are exempt from these regulations.

- (B) Electrical generating plant.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the I-2 district upon approval of a Special Use Permit.
- (C) Electrical substation.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, and C-2 districts upon approval of a Special Use Permit.
- (D) Gas transmission line and metering station.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in all districts upon approval of a Special Use Permit.
- (E) Public building, shop, or yard of local, state, or federal government.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, O, C-1, and C-2 districts upon approval of a Special Use Permit.
- (F) Public utility facilities.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for a public building, shop, or yard of local, state, or federal government in Section 22.14(E).
- (G) Radio, television, or microwave tower.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for an antenna tower in Section 22.14(A).
- (H) Sanitary landfill.
 - (1) The same conditions shall apply for approval of a Special Use Permit for this activity which apply for approval of a Special Use Permit for a sanitary landfill in Section 22.06(K).
- (I) Sewage treatment plant.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in all districts upon approval of a Special Use Permit.
 - (3) The regulations of other appropriate agencies shall be complied with.
- (J) Telephone line exchange, switching, or relay station excluding the conduct of public business and excluding repair and/or storage facilities.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in all districts upon approval of a Special Use Permit.
- (K) Water treatment plant.
 - (1) The general requirements listed in Section 22.01 shall apply to this activity.
 - (2) This activity shall be permitted in all districts upon approval of a Special Use Permit.
 - (3) The regulations of other appropriate agencies shall be complied with.

THIS PAGE WAS LEFT INTENTIONALLY BLANK

**SECTION 23
YARD, LOT, AND AREA REQUIREMENTS**

Refer to Section 24 for special notes concerning yard, lot, and area requirements as indicated by the footnotes in this table. The requirements in this table may be varied for items requiring a Special Use Permit under the conditions in Section 22.

	A-E (13) Agriculture and Estate	R-1 (14) Single Family Detached	R-2 (15) Single Family Detached	R-3 (16) Single Family Detached	R-4 (17) Single Family Detached	R-5 (23) Single Family Attached
Front Yard (8)	30 ft.	30 ft.	30 ft.	25 ft.	25 ft.	0 ft. or 10 ft. and 18 ft. (18)
Front Yard Double Frontage (8)	30 ft.	30 ft.	30 ft.	25 ft.	25 ft.	0 ft. or 10 ft. and 18 ft. each side (19)
Rear Yard (9)	20% of depth of lot	10 ft.				
Side Yard (9)	15 ft.	5 ft.	5 ft.	5 ft.	5 ft.	0 ft. with firewall, or 10 ft. (20) (21)
Side Yard Corner Lot (9)	25 ft.	10 ft. and 18 ft. (22)				
Lot Width (10)	100 ft.	90 ft.	75 ft.	60 ft.	50 ft.	20 ft.
Lot Depth (10)	150 ft.	120 ft.	110 ft.	100 ft.	100 ft.	70 ft.
Lot Area (1) (10)	2 acres or 87,120 sq. ft.	12,000 sq. ft.	9,000 sq. ft.	7,200 sq. ft.	5,500 sq. ft.	2,000 sq. ft.
Lot Coverage	none required					
Lot Depth Adjacent to Thoroughfare	Same as Lot Depth	140 ft.	135 ft.	130 ft.	130 ft.	70 ft.
Area of Structure	none required	1,350 sq. ft. (12)	1,100 sq. ft. (12)	none required	none required	none required
Height	2½ stories					
Parking and Loading	2 spaces per dwelling unit					

**SECTION 23
YARD, LOT, AND AREA REQUIREMENTS**

Refer to Section 24 for special notes concerning yard, lot, and area requirements as indicated by the footnotes in this table. The requirements in this table may be varied for items requiring a Special Use Permit under the conditions in Section 22.

	R-6 (25) Duplex, Triplex, Quadraplex	MF (28) Multi- Family	MH (29) (30) (33) Mobile Home	O (36) Office	C-1 (39) Restricted Business	C-2 (43) Retail Business
Front Yard (8)	25 ft.	25 ft.	25 ft.	15 ft.	25 ft. (8)	none required if all block same district (40)
Front Yard Double Frontage (8)	25 ft. each side	25 ft. each side (27a)	25 ft. each side	15 ft.	25 ft. (8)	none required unless residential (40)
Rear Yard (9)	10 ft.	15 ft. (27c)	10 ft.	none or 20% of depth of lot, max 25 ft. (35)	(38)	20% of lot depth if adjacent to residential (42)
Side Yard (9)	5 ft.	(27b)	10 ft.	the greater of 10% of lot width or 15 ft. (34)	(37)	none required unless adjacent to residential (41)
Side Yard Corner Lot (9)	10 ft.	(27b)	10 ft.	the greater of 10% of lot width or 15 ft.	10 ft.	10 ft. (22)
Lot Width (10)	50 ft.	60 ft. (27f)	50 ft.	none required unless residential (2)	none required unless residential (2)	none required unless residential (2)
Lot Depth (10)	100 ft.	none required	100 ft.	none required unless residential (2)	none required unless residential (2)	none required unless residential (2)
Lot Area (1) (10)	* 2 DU:6,000 s.f. 3 DU:8,500 s.f. 4 DU:11,000 s.f.	(27e) 7,200 s.f. with 2,000 s.f. per living unit	5,500 s.f.	none required unless residential (2)	none required unless residential (2)	none required unless residential (2)
Lot Coverage	None required	(27g) max. 30% lot area covered by main building	none required	40%	None required	none required
Lot Depth Adjacent to Thoroughfare	100 ft.	none required	130 ft.	none required unless residential (2)	none required (2)	none required (2)
Area of Structure	None required	none required	none required	None required	none required	none required
Height	2 stories	2 stories (26)	35 ft. (30c)	2½ stories	2½ stories	2½ stories
Parking and Loading	2 spaces per dwelling unit (24)	1.5 spaces per dwelling unit (27h)	2 spaces per mobile home	1 space per 400 s.f.g.f.a, none in front, see Sec. 28	1 space per 400 s.f.g.f.a, none in front, see Sec. 28	See Sec. 28

- Stands for dwelling unit

Lot width x depth multiplied will be less than lot area to allow flexibility between lot width and depth.

SECTION 23
YARD, LOT, AND AREA REQUIREMENTS

Refer to Section 24 for special notes concerning yard, lot, and area requirements as indicated by the footnotes in this table. The requirements in this table may be varied for items requiring a Special Use Permit under the conditions in Section 22.

	C-3 (48) General Business	I-1 (53) Light Industry	I-2 (58) Heavy Industry	PD Planned Development		
Front Yard (8)	(45) none required if all block same district	(50) none required if all block same district	(55) none required if all block same district	As specified by each PD ordinance		
Front Yard Double Frontage (8)	(45) none required if all block same district	(50) none required if all block same district	(55) none required if all block same district	As specified by each PD ordinance		
Rear Yard (9)	(47) none required unless adjacent to residential	(52) none required unless adjacent to residential	(57) none required unless adjacent to residential	As specified by each PD ordinance		
Side Yard (9)	(46) none required unless adjacent to residential	(51) none required unless adjacent to residential	(56) none required unless adjacent to residential	As specified by each PD ordinance		
Side Yard Corner Lot (9)	10 ft.	10 ft. (27b)	10 ft.	As specified by each PD ordinance		
Lot Width (10)	(2) none required unless residential	(27f) none required	none required	As specified by each PD ordinance		
Lot Depth (10)	(2) none required unless residential	none required	none required	As specified by each PD ordinance		
Lot Area (1) (10)	(2) none required unless residential	none required	none required	As specified by each PD ordinance		
Lot Coverage	none required	none required	none required	As specified by each PD ordinance		
Lot Depth Adjacent to Thoroughfare	none required	none required	none required	As specified by each PD ordinance		
Area of Structure	None required	none required	none required	As specified by each PD ordinance		
Height	(44) 6 stories unless adjacent to residential	(49) 6 stories unless adjacent to residential	(54) 6 stories unless adjacent to residential	As specified by each PD ordinance		
Parking and Loading	See Sec. 28	See Sec. 28	See Sec. 28	As specified by each PD ordinance		

SECTION 24
SPECIAL NOTES CONCERNING LOT REQUIREMENTS
INCLUDING EXCEPTIONS AND VARIANCES

Following is a list of special notes which are referenced in the yard, lot and area requirements table. Notes 1-12 are general and may apply to more than one district. Notes 13-62 are specific to the district under which they are listed. Although this Section is divided into subsections, the special notes are numbered consecutively for ease of reference with the Yard, Lot, and Area Requirements in Section 23.

24.01 General.

- (1) In any zoning district, the following shall apply: If the minimum lot width requirement is all that is provided, the lot shall have adequate depth to conform to the minimum lot size requirement. If the minimum lot depth requirement is all that is provided, the lot shall have adequate width to conform to the minimum lot size requirement. In any case, in any zoning district the width and depth of the lot shall combine to meet or exceed the minimum lot size requirements, and in no case shall the width or depth of a lot be less than the minimum noted for that zoning district.
- (2) The area requirements for any single family detached residential activity in any non-single family detached zoning district shall be the same as the area requirements for that activity in the R-4 zoning district. The area requirements for any residential activity other than single family detached in any zoning district shall be the same as the area requirements for that activity in the zoning district in which it is first listed as a permitted use.
- (3) Whenever an O, C-1, C-2, C-3, I-1, or I-2 District adjoins an A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF or MH District, a buffer shall be required as provided for in Section 29.
- (4) All outside lighting features shall be placed and reflected in such a manner so as not to create a glare or sheen onto adjacent property as to create annoyance, nuisance, or hazards.
- (5) All outside signs in the O, C-1, C-2, C-3, I-1, or I-2 Districts shall be of the parapet wall, marquee, or flat wall type, except that standard pole signs for drive-in facilities shall be permitted provided they do not exceed thirty-six (36) square feet in area.
- (6) Where dwelling facilities are provided behind, above, or within businesses, the lot area requirements shall be the same as those required for dwellings in the R-5 Zoning District.
- (7) In order to provide for adequate vision clearance for traffic and pedestrian safety, no wall, fence, structure, sign, tree, shrub, topographic feature, merchandise, or hedge shall be maintained or located as to cause danger to traffic by obstructing the view.
- (8) The front yards required herein shall be adjusted in the following cases:
 - (a) **Front setback in blocks not fully developed:** Where less than 60 percent of the lots on one side of a street between two intersecting streets have had structures built on them that all observe front building lines greater than the minimum building line established for that zoning district in Section 23, any main building that is erected or extended on that side of the block between intersecting streets may observe a front building line equal to the minimum building line in that zoning district regardless of the building lines observed by other structures. Where more than 60 percent of the lots on one side of a street between two intersecting streets have had structures built on them that all observe building lines greater than the minimum building line established for that zoning district in Section 23, the front building line for any structures erected or extended shall be established based on 24.01(8)(b). If any main building on one side of a street between two intersecting streets observes a building line less than the minimum building line established for that zoning district in

Section 23, the building line established by the main building closest to the street line shall become the minimum front building line for any other structure erected or extended on that side of the block between intersecting streets as provided for in Section 24.01(8)(c) regardless of the number of lots on which structures have been built in that block.

(b) **Front setback in blocks fully built on where established setback is greater than the minimum building line established for that zoning district in Section 23.**

Where the frontage on one side of a street between two intersecting streets is developed with a building or buildings that have front yards greater in depth than the minimum building line established for that zoning district in Section 23, main buildings shall not be erected or extended closer to the street than the building line established by the main building closest to the street. Under no circumstances shall a building line of more than 50 feet be required. An exception may be granted by the Zoning Board of Adjustment to allow a main building to be erected or extended up to the minimum building line established for that zoning district in Section 23. A request for an exception must be accompanied by a site plan drawn to scale showing accurately the location of the proposed structure or addition and a photograph or drawing that provides an accurate representation of the proposed structure or addition.

(c) **Front setback in blocks fully built on where the established setback is less than the minimum building line established for that zoning district in Section 23:**

Where one or more main buildings on one side of a street between two intersecting streets observe a setback less than the minimum building line established for that zoning district in Section 23, no structure may be erected or extended closer to the street line than the building line established by the main building that is closest to the street line.

(d) See Section 24.01(9)(a) for setback requirements on corner lots.

(e) Building lines shown on approved subdivision plats are not subject to enforcement under this ordinance except where they are approved as part of a PD Planned Development District.

(f) Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. The supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard.

(g) An unenclosed canopy for a gasoline filling station or similar business may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway, or as the front of a canopy or the column supporting same.

(9) The side and rear yards herein required in the A-E, R-1, R-2, R-3, R-4, and R-6 districts and for a residence erected or extended after February 1, 1992 in any district as provided for in Section 24.01(2) shall be adjusted in the following cases:

(a) A main building erected or extended on a corner lot shall observe the following setbacks:

1. **Corner lot adjoining another corner lot and with structure facing front:**

A main building on a corner lot that faces the same street that the lot is deemed to be facing as provided for in the definition of "Lot, corner" in Section 19 shall observe a minimum front building line as provided for in Section 24.01(8)(a), (b), or (c), whichever is applicable. The side setback along the street shall be a minimum of 10 feet regardless of the setback observed by a main or accessory structure on an adjoining corner lot. The

other side setback shall be a minimum of 5 feet. The minimum rear setback shall be 20 percent of the depth of the lot or 25 feet, whichever is less.

2. **Corner lot adjoining another corner lot and with structure facing side:**
A main building on a corner lot that faces the same street that the long dimension of the lot faces shall observe a minimum front building line of 30 feet. The side setback along the other street that the narrow dimension of the lot faces shall be determined as provided for in Section 24.01(8)(a), (b), or (c), whichever is applicable. The other side setback shall be a minimum of 5 feet. The minimum rear setback shall be 20 percent of the depth of the lot, said depth being measured along the narrow dimension of the lot, or 25 feet, whichever is less.
3. **Corner lot adjoining two interior lots:** The front building line along either street line for a corner lot adjoining by two interior lots shall be determined as provided for in Section 24.02(8)(a), (b), or (c), whichever is applicable. The side building line along either street line for a corner lot adjoining by two interior lots shall also be determined as provided for in Section 24.01(8)(a), (b), or (c), whichever is applicable. An exception may be granted by the Zoning Board of Adjustment to allow the main building or any accessory building to have a minimum side setback of 10 feet from the street line. A request for an exception must be accompanied by a site plan drawn to scale showing accurately the location of the proposed structure and a photograph or drawing that provides an accurate representation of the proposed structure. The other side setback shall be a minimum of 5 feet. The minimum rear setback shall be 20 percent of the depth of the lot or 25 feet, whichever is less.
 - (b) Building lines shown on approved subdivision plats are not subject to enforcement under this ordinance except where they are approved as part of a PD Planned Development District.
 - (c) Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of window sills, belt courses and other ornamental features projecting not to exceed twelve (12) inches. Eaves and awnings on main residential structures may project within three (3) feet of a side or rear lot line.
 - (d) An accessory building may be built to the rear of the main building. A side and rear setback of five (5) feet shall be maintained by the accessory building. If the lot is a corner lot, the setback from the street line shall be determined by Section 24.01(2)(a), 1, 2, or 3, whichever is applicable.
 - (e) Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues into rear yards may be permitted by the building inspector into the required rear yard for a distance not to exceed three and on-half (3-1/2) feet.
 - (f) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the finished floor elevation of the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two (2) feet from the side lot lines.
- (10) The minimum lot area requirements shall be varied from under the following conditions: On any lot separately owned prior to the passage of Ordinance Number O-63-7 on July 11, 1963, even though of less area than required by these regulations, a single family house may be erected provided that it is listed as a permitted use in the zoning district in which the lot is located.
- (11) The following regulations shall apply to the location of more than one main building on a property. Only one main building for single-family, two-family, three-family, or four-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every

dwelling shall face or front upon a public right-of-way or officially approved place, other than an alley, which means of access shall have a minimum width of thirty (30) feet. Where a lot is used for retail, commercial, industrial, or a combination of same, or for a combination of business and dwelling purposes, more than one (1) main building may be located upon the lot, but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts and when all such main buildings face upon a public right-of-way, other than an alley. When two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public right-of-way, the same may be permitted when the site plan for such development is approved by the Planning and Zoning Commission so that all buildings face upon an officially approved place.

- (12) The minimum floor area requirements for houses in the R-1, and R-2 Districts shall be varied under the following conditions: The minimum floor area requirements established herein in the R-1 and R-2 Districts shall not apply in built up areas where forty (40) percent of the existing block face based on the number of platted lots, is already developed with houses having living areas of smaller size than required by the provisions of the two respective classifications. Houses may then be built with a living area that is no smaller than the smallest house in the block face.

24.02 A-E District.

- (13) Items 1, 4, 7, 8, 9, 10, and 11 in this section apply to the A-E District.

24.03 R-1 District.

- (14) Items 1, 4, 7, 8, 9, 10, 11, and 12 in this section apply to the R-1 District.

24.04 R-2 District.

- (15) Items 1, 4, 7, 8, 9, 10, 11, and 12 in this section apply to the R-2 District.

24.05 R-3 District.

- (16) Items 1, 4, 7, 8, 9, 10, and 11 in this section apply to the R-3 District.

24.06 R-4 District.

- (17) Items 1, 4, 7, 8, 9, 10, and 11 in this section apply to the R-4 District.

24.07 R-5 District.

- (18) No front yard setback is required if no driveway, garage, or vehicle parking area is provided in the front of the building. To provide for pedestrian safety, if a driveway, garage, or other vehicle parking area is provided in the front of the building, the building must be set back at least ten (10) feet from the front property line and the entrance to the garage or the wall at the end of the vehicle parking area must be set back at least eighteen (18) feet from the front property line.
- (19) If a lot has double frontage, the same setback requirements provided for in Item 18 shall apply on both frontages.
- (20) For townhouses, no side setback is required between units if a 4-hour firewall is constructed between units. A side setback of at least ten (10) feet is required between all buildings. Roof overhangs and eaves may protrude no more than one (1) foot into the side yard beyond the plane established by the walls of the building.

- (21) For patio homes, zero lot line homes and similar types of housing, one side wall may be built on the property line if that wall is solid masonry with no penetrations. Roof overhangs and eaves may protrude no more than one (1) foot into the adjacent property beyond the plane established by the wall along the property line. A five (5) foot wide maintenance easement shall be provided adjacent to any wall, which is on a property line. A side setback of at least ten (10) feet is required between all homes.
- (22) On a corner lot, the side setback adjacent to the street shall be ten (10) feet. If a garage, driveway, or other vehicle parking area is provided on the side of a corner lot, the garage opening or end of the vehicle parking area shall have a setback of at least eighteen (18) feet from the property line.
- (23) Items 1, 2, 4, 7, 8, 9, and 11 in this section apply to the R-5 District.

24.08 R-6 District.

- (24) Parking shall be permitted in the required front yard to within ten (10) feet of the front property line. A maximum driveway opening of twenty (20) feet shall be permitted at the property line. This driveway opening may be in the form of one twenty (20) foot wide driveway opening or two ten (10) foot wide driveway entrances.
- (25) Items 1, 2, 4, 7, 8, 9, 10, and 11 in this section apply to the R-6 District.

24.09 MF District.

The following area requirements shall apply in the Multifamily zoning district in addition to the area requirements contained in the Yard, Lot, and Area Requirements table.

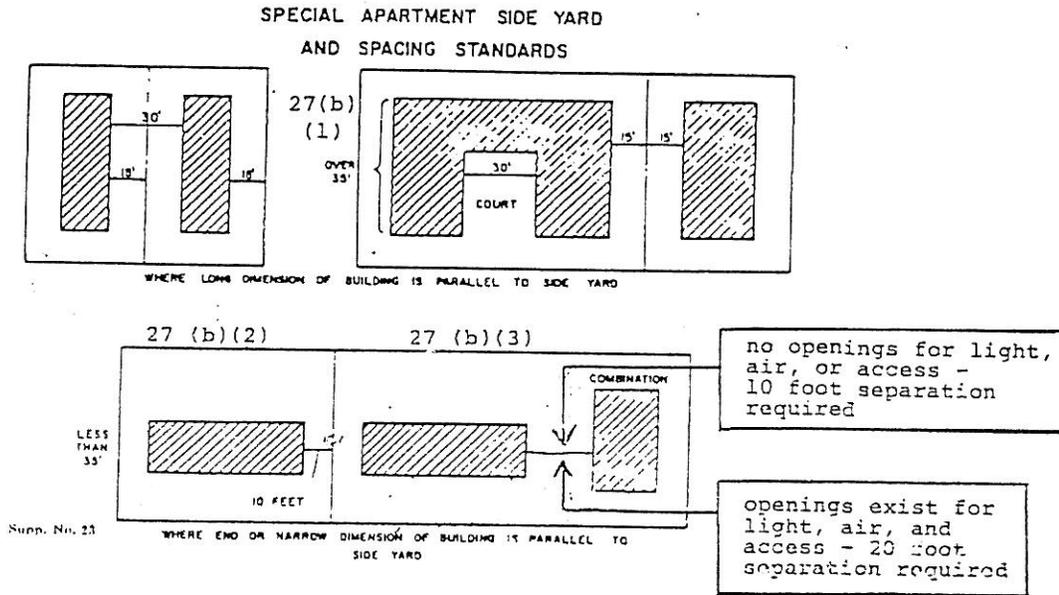
(26) HEIGHT REGULATIONS

No building shall exceed two (2) standard stories for living purposes. Where basement areas are used for off-street parking or other service facilities, the maximum height of the building above grade shall not exceed twenty-eight (28) feet. The height of a multifamily dwelling may exceed two (2) standard stories for living purposes upon approval of a Special Use Permit which, if approved, shall be granted for the life of the building.

(27) AREA REGULATIONS.

- (a) Front yard. There shall be a front yard having a minimum depth of twenty-five (25) feet except where circular or similar entrance drives across the lot in front of the main building are used, in which event the minimum front yard depth shall be thirty-five (35) feet and no parking space or vehicle storage area shall be located closer to the front property line than twenty-five (25) feet.
- (b) Side yard. There shall be a side yard on each side of the lot having minimum dimensions as follows:
 - (1) Where multiple family dwellings or housing projects are arranged on a lot where the long dimension of any building is parallel to the side lot line, or where the long dimension of such building is parallel to another building in a project, a side yard of fifteen (15) feet shall be provided on each side of each building so that the walls of a building arranged as parallel structures shall be a minimum of thirty (30) feet apart, and no balcony or canopy shall extend into such side yard or space for a distance greater than five (5) feet.
 - (2) For multiple family dwellings which are arranged with the long dimension of the building parallel to the front lot line and where the building end parallel to the side lot line does not exceed thirty-five (35) feet in width, a minimum side yard of ten (10) feet shall be provided.

- (3) Where the end of a multiple family dwelling or building does not exceed thirty-five (35) feet in width and is located opposite another building-end or building-side or exposed wall face, such building-ends or wall faces may be placed a minimum distance of ten (10) feet apart. Where openings for light, air or access exist in building-ends or wall faces arranged as described above, the minimum distance between such ends or wall faces shall be twenty (20) feet.
- (4) A side yard on a corner lot adjacent to a street shall not be less than fifteen (15) feet and no balcony or porch or any portion of the building may extend into such required side yard except that a roof may overhang such side yard not to exceed five (5) feet.



- (c) Rear yard required. No main building may be constructed nearer than fifteen (15) feet to the rear property line. The main building and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point of the opposite side lot lines. Carports or other detached accessory buildings shall be located within the rear portion of the lot as heretofore described and shall not exceed one (1) story in height nor shall such structure be located closer than fifteen (15) feet to a main building, nor closer than five (5) feet to any rear lot line or to any side lot line, nor closer than ten (10) feet to any side street right-of-way line.
- (d) Courts. When an apartment building or buildings are erected so as to create inner courts or outer courts as defined in Section 19, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.
- (e) Area of lot. All buildings hereafter erected, enlarged, relocated, reconstructed or converted shall be located on lots containing a minimum of seven thousand two hundred (7,200) square feet, and there shall be not less than two thousand (2,000) square feet of lot area for each living unit.

24.11 O District.

- (34) When an Office District adjoins an A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, or MH District, there shall be a side yard of at least ten (10) percent of the width of the lot with a minimum requirement of fifteen (15) feet. In no case shall a side yard greater than twenty-five (25) feet be required.
- (35) When an Office District abuts an A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, or MH District, there shall be a rear yard required which is equal to twenty (20) percent of the depth of the lot, except where a lot is used for an activity which is also permitted in the R-1, R-2, R-3, R-4, R-5, R-6, MF, or MH Districts, in which case Item 2 shall apply. In no case shall a rear yard greater than twenty-five (25) feet be required.
- (36) Items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in this section apply to the O District.

24.12 C-1 District.

- (37) The same regulations regarding side yards listed in Item 34 under the O District shall apply in the C-1 District. For the purposes of the C-1 District, any property that is used for an activity that is permitted in a residential zoning district shall be treated as though it were located in a residential zoning district, thereby causing Item 34 to apply as the standard side setback requirement in the C-1 District.
- (38) The same regulations regarding rear yards listed in Item 35 under the O District shall apply in the C-1 District. For the purposes of the C-1 District, any property that is used for an activity that is permitted in a residential zoning district shall be treated as though it were located in a residential zoning district, thereby causing Item 35 to apply as the standard rear setback requirement as in the C-1 District.
- (39) Items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in this section apply to the C-1 District.

24.13 C-2 District.

- (40) No front yard shall be required for any business use in the C-2 District unless the street right-of-way on which the business is located is less than sixty (60) feet in width, in which case the building shall be placed not less than thirty (30) feet from the centerline of said street right-of-way. When frontage on one side of the street between two intersecting streets is located partly in a more restricted zoning district, the front yard shall conform to the more restricted use regulations.
- (41) The same regulations regarding side yards listed in Item 34 under the O District shall apply in the C-2 District.
- (42) The same regulations regarding the rear yards listed in Item 35 under the O District shall apply in the C-2 District.
- (43) Items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in this section apply to the C-2 District.

24.14 C-3 District.

- (44) No building shall exceed six (6) stories in height unless the additional height above six (6) stories is set back from street rights-of-way which are adjacent to the property one (1) foot for each two (2) feet of height above the six (6) story limit. When a lot in the C-3 District adjoins a lot in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, or MH District, a building constructed on the lot in the C-3 District shall not exceed three (3) stories in height.
- (45) The same regulations regarding front yards listed in Item 40 under the C-2 District shall apply in the C-3 District.

- (46) The same regulations regarding side yards listed in Item 34 under the O District shall apply in the C-3 District.
- (47) The same regulations regarding rear yards listed in Item 35 under the O District shall apply in the C-3 District.
- (48) Items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in this section apply to the C-3 District.

24.15 I-1 District.

- (49) The same regulations regarding building height listed in Item 44 under the C-3 District shall apply in the I-1 District.
- (50) The same regulations regarding front yards listed in Item 40 under the C-2 District shall apply in the I-1 District.
- (51) The same regulations regarding side yards listed in Item 34 under the O District shall apply in the I-1 District.
- (52) The same regulations regarding rear yards listed in Item 35 under the O District shall apply in the I-1 District.
- (53) Items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in this section shall apply in the I-1 District.

24.16 I-2 District.

- (54) The same regulations regarding building height listed in Item 44 under the C-3 district shall apply in the I-2 District.
- (55) The same regulations regarding front yards listed in Item 40 under the C-2 District shall apply in the I-2 District.
- (56) The same regulations regarding side yards listed in Item 34 under the O District shall apply in the I-2 District.
- (57) The same regulations regarding rear yards listed in Item 35 under the O District shall apply in the I-2 District.
- (58) Items 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in This section shall apply in the I-2 District.

**SECTION 25
CERTIFICATE OF OCCUPANCY AND COMPLIANCE**

25.01 When certificate required.

No vacant land shall be occupied or used except for agricultural uses and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or proposed use of a building or land complies with all of the building and health rules and ordinances and with the provisions of these regulations.

25.02 Application for certificate.

Certificate of occupancy and compliance shall be applied for coincident with application for a building permit and shall be issued within ten (10) days after the completion of the erection or structural alterations to a building and conformity with these and other applicable provisions and regulations.

25.03 Certificates to be kept on file and made available.

A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

25.04 Certificate required to change class of building.

The use of any building already erected at the passage of this article shall not be changed from one class to another unless and until a certificate of occupancy and compliance with the provisions of this article shall have been obtained from the Building Inspector.

25.05 Certificate required for vacant building or vacant land.

Certificate of occupancy for the use of a vacant building or of vacant land or the change in the character of the use of a building or land as herein provided shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

25.06 Certificate for nonconforming use.

Certificate of occupancy for a nonconforming use existing at the time of the adoption of this article shall be prepared and the certificate shall state that the use is a nonconforming one, and does not conform to the provisions of this article.

**SECTION 26
BOARD OF ADJUSTMENT**

26.01 Board of adjustment – created.

There is hereby created a board of adjustment consisting of five (5) members, each to be appointed by a majority of the City Commission for a term of two (2) years and removable for cause by the appointing authority. Vacancies shall be filled by the appointment, by the original appointing authority, of a suitable person to serve out the unexpired term of any member whose place on the board has become vacant for any cause.

26.02 Administration.

The board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this article. Meetings of the board shall be held at the call of the chairman, who may administer oath and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

26.03 Appeals to board – procedure.

Appeals to the board of adjustment can be taken by any person aggrieved or by any officer, department, board or department of municipality affected by any decision of the administrative office. Such appeals shall be taken within fifteen (15) days time after the decision has been rendered by the administrative office, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. An action appealed from shall stay all proceedings upon the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after

the notice of appeal shall have been filed with him, that by reason of facts, stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Adjustment, or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

26.04 Powers enumerated.

The Board of Adjustment shall have the following powers:

- (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article.
- (B) To hear and decide special exceptions to the terms of the article upon which the board is required to pass under this article.
- (C) To authorize upon appeal in special cases, such variances from the terms of the article as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the article will result in unnecessary hardship, and so that the spirit of this article shall be observed and substantial justice done. No variance shall be granted to permit a use in a zoning district in which that use is prohibited.

26.05 Notification and hearing process.

Any request for an appeal, variance or special exception shall require a public hearing before the Board. Notice of the time and place of such hearing shall be published in a paper of general circulation in the city, at least fifteen (15) days prior to the time set for such hearing. In addition to the foregoing published notice, written notice of all public hearings shall be sent to all owners of property, or to the person rendering the same for city taxes, located within two hundred (200) feet of the exterior boundary of the property with respect to which such appeal, variance or exception is requested within not less than ten (10) days before any such hearing is held. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office.

26.06 Compliance with Art. 1011-A – 1011-J. Civil Statutes of Texas.

In exercising its powers, the board may, in conformity with the provisions of articles 1011-A through and including 1011-J of the 1926 Civil Statutes of Texas, as amended, revise or reform, wholly or partly, or may modify the order, requirements, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.

26.07 Voting.

The concurring vote for four (4) members of the board shall be necessary to revise any order, requirements, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this article or to effect any variance in said article.

26.08 Appeals from decision of the board.

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

SECTION 27
HISTORIC LANDMARK PRESERVATION

27.01 "Historic landmark" defined.

As used in this chapter, the term "historic landmark" shall mean any buildings, land, areas or districts of historical, architectural, archaeological or cultural importance or value, which the City Commission determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

27.02 Declaration of policy.

The City Commission hereby finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the people. The purposes of this section are:

- (A) To protect, enhance and perpetuate historic landmarks, which represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological and architectural history.
- (B) To safeguard the city's historic and cultural heritage, as embodied and reflected in such historic landmarks.
- (C) To stabilize and improve property values in such locations.
- (D) To foster civic pride in the beauty of noble accomplishments of the past.
- (E) To protect and enhance the city's attractions to tourists and visitors and provide incidental support and stimulus to business and industry.
- (F) To strengthen the economy of the city.
- (G) To promote the use of historic landmarks for the culture, prosperity, education and welfare of the people of the city and visitors to the city.

27.03 Historic landmarks – designation.

The City Commission may designate certain buildings, land areas and districts in the city as historic landmarks and define, amend and delineate the boundaries thereof. The suffix "H" shall indicate the zoning subdistrict designation of those buildings, land, areas and districts which the City Commission has designated historic landmarks. Such designation shall be in addition to any other zoning district designation established in the zoning ordinance. All zoning district maps shall reflect the designation of an historic landmark subdistrict by the letter "H" as a suffix.

27.04 Criteria to be used in determination.

In making such designation as set forth in this section, the City Commission shall consider one (1) or more of the following criteria:

- (A) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Marshall, State of Texas, or the United States;
- (B) Location as the site of a significant historic event;
- (C) Identification with a person or persons who significantly contributed to the culture and development of the city;
- (D) Exemplification of the cultural, economic, social or historical heritage of the city.

- (E) Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (F) Embodiment of distinguishing characteristics of an architectural type or specimen;
- (G) Identification as the work of an architect or master builder whose individual work has influenced the development of the city;
- (H) Embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;
- (I) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural motif;
- (J) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city.
- (K) Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest;
- (L) Value as an aspect of community sentiment or public pride.

27.05 Historic Landmark Preservation Committee - created.

- (A) There is hereby created a committee to be known as the historic landmark preservation committee of the city, hereinafter called the "committee" composed of five (5) members appointed by the City Commission within sixty (60) days from the effective date of this chapter. All members shall have knowledge and experience in the field of history, art, architecture or real estate planning and development, and shall be appointed from a list of nominees solicited from:
 - (1) Harrison County Historical Commission
 - (2) Harrison County Historical Society;
 - (3) Harrison County Board of Realtors;
 - (4) Harrison County Bar Association; and
 - (5) Such other individuals and organizations as the City Commission may in its discretion wish to consult or consider.
- (B) Appointments to the committee shall be for a term of two (2) years ending on September first of each odd-numbered year, and the members shall serve without compensation. The committee shall designate a chairman and a vice-chairman from its members.
- (C) The committee shall meet at least quarterly, with additional meetings upon call by the committee chairman or upon petition of a simple majority of committee members. Three (3) members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The minutes of each meeting shall be filed in the office of the City Secretary.
- (D) In addition to the five (5) members appointed by the City Commission, the City Manager or his representative shall sit on the committee as an ex officio member. He shall not have voting power but shall assist the committee in its varied functions.

27.06 Function

- (A) The committee shall thoroughly familiarize itself with the buildings, land, areas, and districts within the city which may be eligible for designation as historic landmarks and shall prepare an historic landmark preservation plan, hereinafter referred to as the "preservation plan", which shall:

- (1) Identify and catalog buildings, land, areas and districts of historical, architectural, archaeological or cultural value along with statements of fact which verify their significance;
 - (2) Identify criteria to be used in determining whether certain buildings, land, areas and districts should be designated as historic landmarks;
 - (3) Identify guidelines to be used in determination of whether to grant or deny certificates of appropriateness for proposed alterations to the exterior of a designated historic landmark;
 - (4) Formulate a program for private and public action which will state the role of various city agencies in the preservation of historic landmarks;
 - (5) Suggest sources of funds for preservation and restoration activities for all acquisitions, to include federal, state, municipal, private and foundation sources; and
 - (6) Recommend incentives for preservation.
- (B) The preservation plan shall be presented to the Planning and Zoning Commission for inclusion in the comprehensive plan of the city.
- (C) The committee shall recommend to the Planning and Zoning Commission that certain buildings, land, areas and districts in the city be designated as historic landmarks. Each recommendation shall include:
- (1) Those premises, lots or tracts to be designated.
 - (2) Any additional uses to be permitted in specific "H" subdistricts.
 - (3) Specific criteria for the required preservation of the exteriors of the premises within the designated subdistrict.
- (D) If the committee finds that certain buildings, land, areas or districts cannot be preserved without acquisition, the committee shall recommend to the Planning and Zoning Commission that the fee or a lesser interest in the property be acquired by gift or purchase, using funds available for preservation or restoration.
- (E) Where there are conditions under which the required preservation of an historic landmark would cause undue hardship to the owner or owners, use changes may be recommended by the committee. Such changes shall be in keeping with the spirit and intent of this chapter.
- (F) Periodically the committee shall review the status of designated historic landmark subdistricts and include in the committee minutes a report of such review.
- (G) The designation of an historic landmark subdistrict may be amended or removed using the same procedure as provided in this chapter for the original designation.

27.07 Action by Planning and Zoning Commission.

- (A) The Planning and Zoning Commission shall hold public hearings as provided in the zoning ordinance of the city to consider any historic landmark subdistrict designation recommended by the committee.
- (B) At the conclusion of a hearing the Planning and Zoning Commission shall set forth in writing its recommendation, including the findings of fact that constitute the basis for its decision and shall transmit such recommendation to the City Commission.

27.08 Action by City Commission and recording of designation.

- (A) After notice and public hearing as required by law in a zoning case under the zoning ordinance, the City Commission may by ordinance designate an historic landmark subdistrict.
- (B) Upon passage by the City Commission of an historic landmark subdistrict designation ordinance, the City Secretary shall file a copy of the ordinance with the Harrison County Clerk and the Harrison County Tax Assessor, together with a notice briefly stating the facts of the designation and shall send a copy of such notice by certified mail to the owner or owners of affected property.

27.09 Certificate of appropriateness review.

- (A) No building permit for proposed work in a designated historic landmark subdistrict shall be issued to any applicant by the Building Inspector unless the application has first been reviewed by the Committee and a certificate of appropriateness has been issued by the City Planner.
- (B) When applying for such permit which is determined to involve alterations to the exterior of a designated building, the applicant shall forward two (2) copies of all detailed plans, elevations, perspectives, specifications and other documents pertaining to the work to the Building Inspector, who shall forward such application to the Director of Planning who in turn shall forward it to the committee chairman within five (5) days of receipt thereof. Any applicant may request a meeting with the committee before submitting an application and may consult with the committee during the review of the permit application.
- (C) Upon review of the application, the committee shall determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of this chapter and the designating ordinance. It shall recommend approval or disapproval within thirty (30) days of receipt of the application. Upon receipt of the committee's recommendation, the City Planner shall deny or approve a certificate of appropriateness. The City Planner shall immediately notify the applicant of his action. If the City Planner has denied the certificate of appropriateness, the applicant may file in writing his notice of appeal with the City Commission within ten (10) days after receiving notice from the City Planner. The City Planner shall immediately forward the notice of appeal, together with a record of the proceedings, to the City Secretary, who shall place it on the City Commission agenda for a hearing; and the applicant shall be notified by the City Secretary of the date of the hearing.
- (D) If no action has been taken by the City Planner within forty-five (45) days of original receipt by him of the application, the building permit shall be issued.
- (E) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal to the committee and approval thereof in the same manner as provided above.
- (F) After a decision is reached by the City Planner denying an application for certificate of appropriateness, where no appeal is made to the City Commission, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant, indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee.

27.10 Historic landmark demolition or removal.

If application is received by the Building Inspector for demolition or removal of any designated historic landmark, or designated building within an "H" subdistrict as provided for in paragraphs 27.06, 27.07, and 27.08 of this Section, the committee shall hold a hearing within thirty (30) days after

the application is initially filed and forwarded to the committee. The committee shall hear all other interested parties. The committee shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historic landmark, the character of the neighborhood, and all other factors which it finds appropriate. The committee may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure should not be demolished; and in that event, the application shall be suspended for a period not exceeding ninety (90) days from the date of application. Within the suspension period, the committee may request an extension of the suspension period by the City Commission. If the City Commission, after notice to the applicant and public hearing, determines that there is reasonable ground for preservation, the commission may extend the suspension period for an additional period not exceeding one hundred twenty (120) days, to a total of not more than two hundred forty (240) days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal nor shall any person demolish or remove the building or structure. If no action is taken by the City Commission within two hundred forty (240) days from the date of application, the demolition permit shall be issued and the City Planner shall so advise the applicant.

27.11 Provisions herein not to affect the present uses.

Use classifications as to all property which may be included in an historic landmark subdistrict shall continue to be governed by the zoning ordinance of the city and shall continue upon establishing the "H" subdistrict.

27.12 Penalty.

- (A) It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze or maintain any historic landmark in violation of the provisions of this chapter. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing or maintenance, to restrain, correct or abate such violation.
- (B) any person who violates any provision of this chapter shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted; and each offense shall be punishable by a fine of not more than two hundred dollars (\$200.00).

SECTION 28 OFF-STREET PARKING REQUIREMENTS

28.01 Purpose.

- (A) The minimum off-street parking and loading standards contained herein are established to secure safety from fire, panic, and other dangers; to lessen congestion in the street; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land.
- (B) Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract, or on an immediately adjacent lot or tract, or on an immediately adjacent lot or tract across an alley or a street, vehicle parking at herein stated ratios of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this ordinance need not provide vehicle parking as hereinafter set forth unless it is remodeled or altered to the extent that paragraph 28.03(1) applies, and that no existing vehicle parking spaces in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required. As used herein, "immediately adjacent" means sharing a

common boundary with at least one-half of the dimension of the boundary of the adjoining lot or tract, whether or not such lots or tracts are separated by a street or alley. Where off-street parking for any use is to be provided on an adjacent lot or tract, it shall be consolidated under a single certificate of occupancy with the main use. In the event that the parking area is sold separately from the main use, no building permits will be issued for construction on the parking area without first achieving compliance with the requirements for parking to be provided under separate ownership or providing replacement parking and securing a new certificate of occupancy for the main use.

28.02 Definitions.

Floor area: The gross floor area of the specific use.

Maneuvering space: The space required for maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Parking space: An area measuring approximately one hundred eighty (180) square feet or as otherwise provided for in Section 28.06 not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitted unimpeded ingress and egress.

28.03 General provisions.

- (A) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each type of use included in the building or development.
- (B) Where fractional spaces result, the parking spaces required shall be construed to be the largest whole.
- (C) Where questions arise concerning the minimum off-street parking requirement for any use not specifically listed, the requirements shall be interpreted, as provided for in Section 15, as those of a similar listed use.
- (D) Head-in parking at any angle adjacent to a public street wherein the maneuvering is done on a public street shall not be permitted. It shall be permitted for vehicles to back into the street from driveways serving single family and duplex residential activities.
- (E) No off-street parking shall be permitted in the required front yard in any district except upon a driveway providing access to a garage, carport, or parking area for a single family or duplex dwelling, except as provided for in the R-6 District in Section 24.08 (25).
- (F) No supporting member or other portion of any garage, carport, or other vehicle storage structure shall be located within a required front yard.
- (G) In certain cases fire lanes are required; for applicability refer to Chapter 6, Section 602.6 of the 1985 Standard Fire Prevention Code as approved, adopted, and amended by the City Commission of the City of Marshall.
- (H) Stall bumpers of some form are desirable aids for quick, safe parking. They minimize the possibility of damage to vehicles in opposing stalls. They encourage drivers to pull all the way into a parking stall, which creates a more uniform parking depth, leading to less aisle encroachment. The resulting orderly parking would allow vacant stalls to be located more easily.
- (I) After the effective date of this chapter, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of less than fifty (50) percent over the number of existing parking spaces, new parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to

- the extent of fifty (50) percent or more in floor area used, number of employees, number of dwelling units, seating capacity or otherwise, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- (J) A building permit shall be required for any new parking area or change in an existing parking area. For new construction the permit may be considered part of the building permit for the structure.
 - (K) A driveway permit will be obtained from the Engineering Department of the City of Marshall before any person removes, alters, or constructs a curb, approach, or gutter on any public property. One of the requirements in obtaining a permit is the submission of a scaled plot plan showing the location of property lines, streets, alleys, proposed construction, proposed and/or existing off-street striped-off parking, and all existing buildings or structures on the lot.
 - (L) The City Engineer has the authority to prohibit a driveway in a requested location as long as there is adequate access to the property.
 - (M) In cases where the provision of a driveway for access to a parking area would cause too many driveways to be located along a street in the opinion of the City Engineer and the Director of Planning, a legally documented access easement cross adjacent property(s) may be required in order to aid in maintaining smooth traffic circulation and to minimize opportunities for conflicts between vehicles.
 - (N) In any case where the required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit. When required off-street parking is provided off-site, such site shall continue to be used for parking only so long as the requirement exists or until another approved parking site is provided.
 - (O) Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, nightclubs or cafes, and up to one hundred (100) percent of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not open, used or operated during the same hours; provided that written agreement thereto is properly executed and filed in the office of the City Secretary.
 - (P) Location of entrances and exits to parking areas shall be as near to the center of the block as practical so as to minimize traffic interference at the intersections. All entrances and exits must be clearly marked. The exact location of entrances and exits must be approved by the city on a site layout diagram at the time of issuance of a building permit. Entrances on state highways must be approved by the city as well as by the Texas Department of Highways and Public Transportation. The city reserves the right to reduce the number of entrances where requirements of traffic safety demand. The cost of such reductions and entrances will be borne by the applicant.
 - (Q) Obstructions to visibility at the intersection of exits or entrances with a public street or alley shall comply with the provisions of Sections 24-2.10 and 24-2.13 of the Code of Ordinances of the City of Marshall.
 - (R) The radius of all drive approaches shall be constructed so that the radius shall not extend beyond the projection of the side property line from the front property line to the edge of the street pavement, except by written agreement of both property owners filed in the office of the City Secretary. This requirement is illustrated in the following diagram:

- (S) The desirable curb return radii are between five (5) and twenty (20) feet. The width of the driveway, street widths, and traffic volumes must be considered when setting curb return radii so as to minimize hazards from entering and exiting traffic.
- (T) As a general guide, any parking area having a capacity of more than seventy-five (75) spaces should have more than one (1) entrance and one (1) exit and any parking area having a capacity of more than one hundred fifty (150) spaces should have entrances and exits on more than one (1) public street or alley. The specific requirements for the number of entrances and exits will be determined by the nature of the establishment, anticipated traffic flow in and around the parking area, and the requirements of traffic safety.
- (U) Adequate room in compliance with the standards of this ordinance shall be provided on private property for circulation within a parking lot to gain access to parking spaces. Public rights-of-way shall not be used or incorporated into a parking lot for circulation between parking aisles or bays.

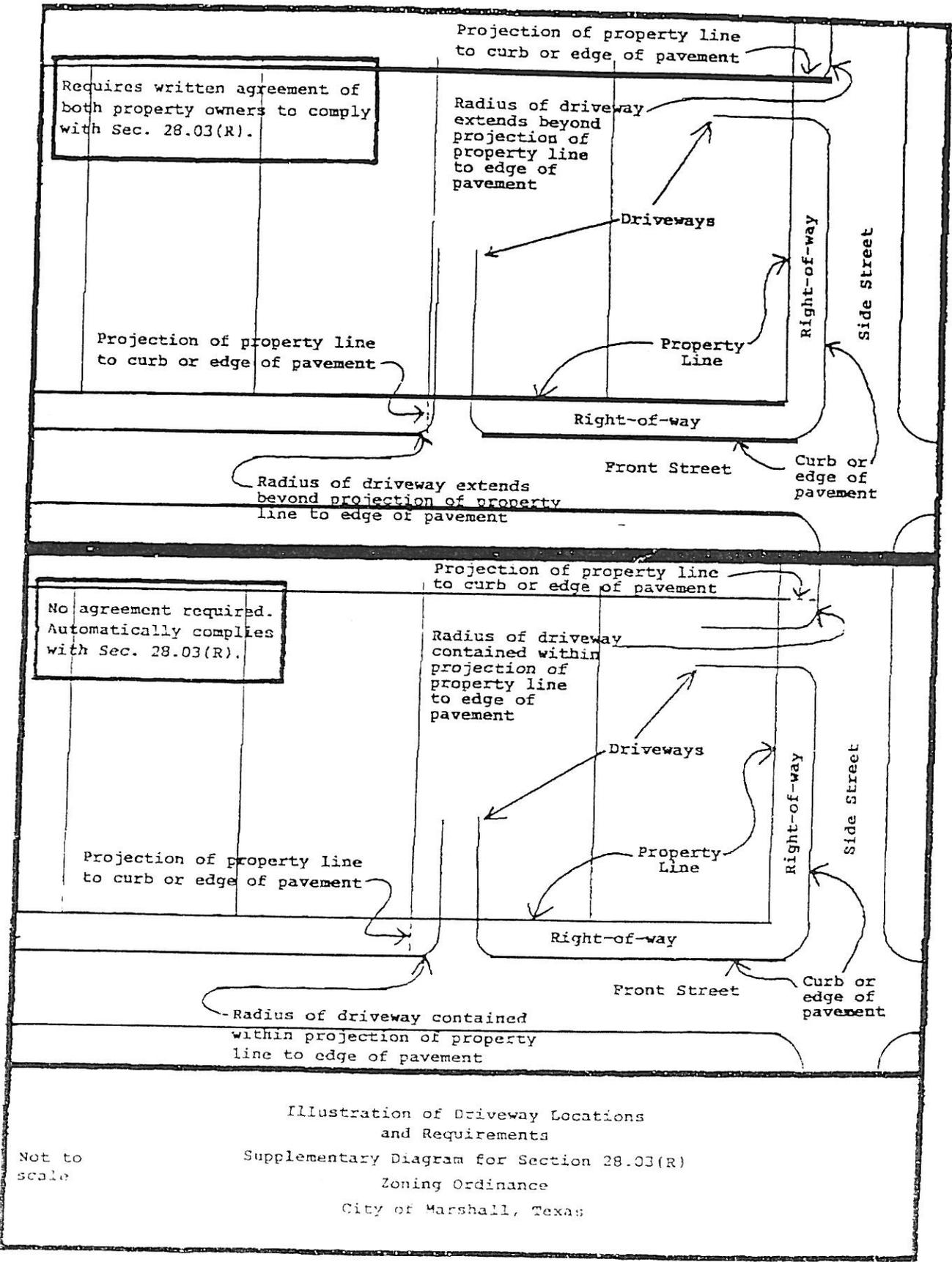


Illustration of Driveway Locations and Requirements
 Supplementary Diagram for Section 28.03(R)
 Zoning Ordinance
 City of Marshall, Texas

Not to scale

28.04 Minimum off-street parking requirements.

Amusement park: One (1) space for each five (5) persons able to be accommodated.

Assembly hall (public or private, including churches, auditoriums, or meeting rooms): One (1) space per three (3) seats or per seventy-five (75) square feet of gross floor area, whichever is greater.

Auto repair: One (1) space per two hundred (200) square feet of gross floor area.

Auto sales: One (1) space per employee plus one (1) space per five hundred (500) square feet of indoor sales area.

Bank, savings and loan or similar financial establishment: One (1) space for each three hundred (300) square feet of floor area.

Bowling alley: Five (5) spaces for each lane.

Brick or lumber yard or similar outdoor storage area: One (1) space per two thousand (2,000) square feet of site area.

Commercial outdoor amusement: Twenty (20) spaces plus one (1) space for each one hundred (100) square feet of floor area over one thousand (1,000) square feet.

Carwash: One (1) space per five hundred (500) square feet of floor area. No parking is required at a self-service car wash.

Child care facilities: One (1) space per six (6) children or as otherwise provided for at the time of approval of a Special Use Permit.

Commercial sports arena, stadium, or gymnasium: One (1) parking space for each four (4) seats or seating spaces.

Dance, fitness, music, or drama studio: One (1) space per two hundred (200) square feet of gross floor area.

Dance hall: One (1) space per three (3) seats or per seventy-five (75) square feet of gross floor area, whichever is greater.

Driving range: One (1) space per each three (3) persons able to be accommodated plus one (1) space per employee.

Duplex: Two (2) spaces per dwelling unit.

Fraternity or sorority house: One (1) space for each member in residence plus one (1) space for each three (3) additional active members.

Furniture store: One (1) space per five hundred (500) square feet of gross floor area.

Gasoline service station: Minimum of six (6) spaces.

Golf course: Minimum of thirty (30) spaces.

Hospitals: One (1) space for every two (2) beds.

Hotel or motel: One (1) space for each room, unit or guest accommodation. Restaurants, meeting rooms, etc. are counted separately.

Library and museum: One (1) space per employee plus one (1) for each five hundred (500) square feet of floor area.

Lodge or fraternal organization building: One (1) space per two hundred (200) square feet of gross floor area.

Machinery sales or repair (indoor): One (1) space per five hundred (500) square feet of gross floor area.

Machinery sales or repair (outdoor): One (1) space per two thousand (2,000) square feet of site area.

Medical or dental clinics or offices: One (1) space for each three hundred (300) square feet of floor area (minimum of five (5) spaces).

Mini-warehouse or rental storage unit complex: Four (4) spaces per complex.

Miniature golf: One (1) space per four (4) persons able to be accommodated.

Mobile home: Two (2) spaces per mobile home.

Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber room parlors or individual funeral service room.

Multifamily dwelling: One and one-half (1.5) spaces per dwelling unit for residents plus one space per every five dwelling units for visitors.

Nursing or convalescent home: One (1) space per five (5) beds plus one (1) space for each day staff member.

Office: One (1) space for each three hundred (300) square feet of floor area (minimum five (5) spaces).

Participant amusements: One (1) space per five (5) persons able to be accommodated.

Quadrplex: Two (2) spaces per dwelling unit.

Retail or personal service: One (1) space for each two hundred (200) square feet of floor area (minimum of five (5) spaces).

Retail sales (outdoor): One (1) space for each two hundred (200) square feet of leasable area including customer circulation areas and display areas.

Residence home for the elderly: One (1) space per dwelling unit.

Restaurant: drive-in, fast food, take out, or service to auto: Eight (8) spaces plus one (1) space per fifth (50) square feet of seating area.

Restaurant or cafeteria: One (1) space for every three (3) seats under maximum eating arrangement (minimum of five (5) spaces).

Rooming, boarding, or lodging houses: One (1) space per each three (3) sleeping accommodations.

School: business, commercial, or trade: One (1) space for each four (4) students able to be accommodated.

School: elementary, middle, or junior high: One (1) space for each classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium, or other place of assembly.

School: high school or college: One (1) space for each classroom, laboratory or instruction area plus one (1) space for each four (4) students accommodated in the institution.

Single family dwelling: Two (2) spaces per dwelling unit.

Skating rink: One (1) space per two hundred (200) square feet of gross floor area.

Storage of sand, gravel, petroleum products, etc.: One (1) space per two thousand (2,000) square feet of site area.

Tavern, lounge, or private club: One (1) space per fifty (50) square feet of gross floor area.

Theater: One (1) space for each three (3) seats.

Triplex: Two (2) spaces for each dwelling unit.

Unspecified commercial, industrial, and warehouse activities: One (1) space per three (3) employees on the maximum workshift or one (1) space per one thousand (1,000) square feet of gross floor area, whichever is greater, plus space to accommodate trucks and other vehicles used in connection therewith.

28.05 Minimum off-street loading requirements.

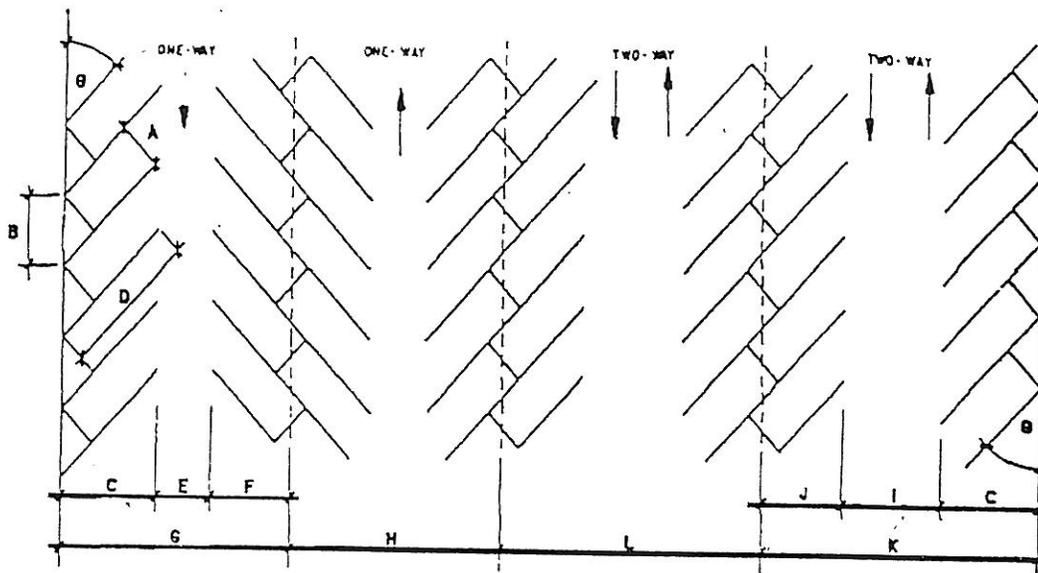
All business uses shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to the public alley or private service drive to facilitate the movement of traffic on the public street. Such space shall consist of a minimum area of ten (10) feet by twenty-five (25) feet and shall be provided as follows:

Square feet of Gross Floor Area	Loading or Unloading Berths
25,000 or less	1
25,001 to 84,000	2
84,001 to 156,000	3
156,000 to 236,000	4
236,001 to 325,000	5
Each 100,000 additional	1 additional

28.06 Minimum standards and dimensions.

The minimum parking space standards for the City of Marshall are shown in Table 1 with all the dimensions being in feet. In Table 1, "long term parking" means that all parking spaces are occupied for a minimum of four hours duration. Figures 6, 7, 8 and 9 are illustrations of the dimensions listed in Table 1 for 9.0 feet stalls, one-way traffic, and commercial driveways. All parking spaces are to be delineated with permanent or semi-permanent markings including but not limited to paint striping, concrete or wooden bumpers or curb stops, and pavement marking buttons.

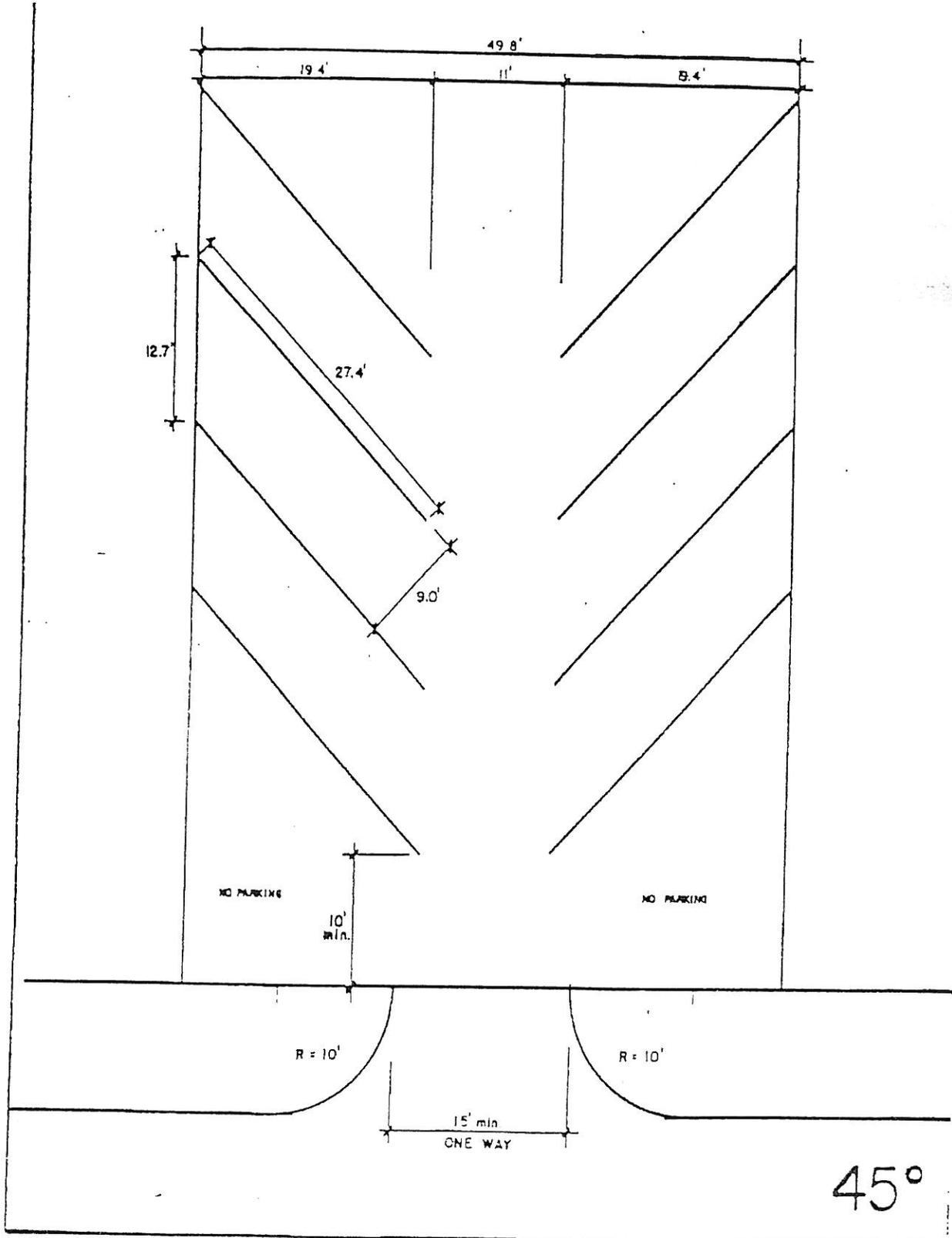
PARKING LAYOUT MINIMUM DIMENSIONS

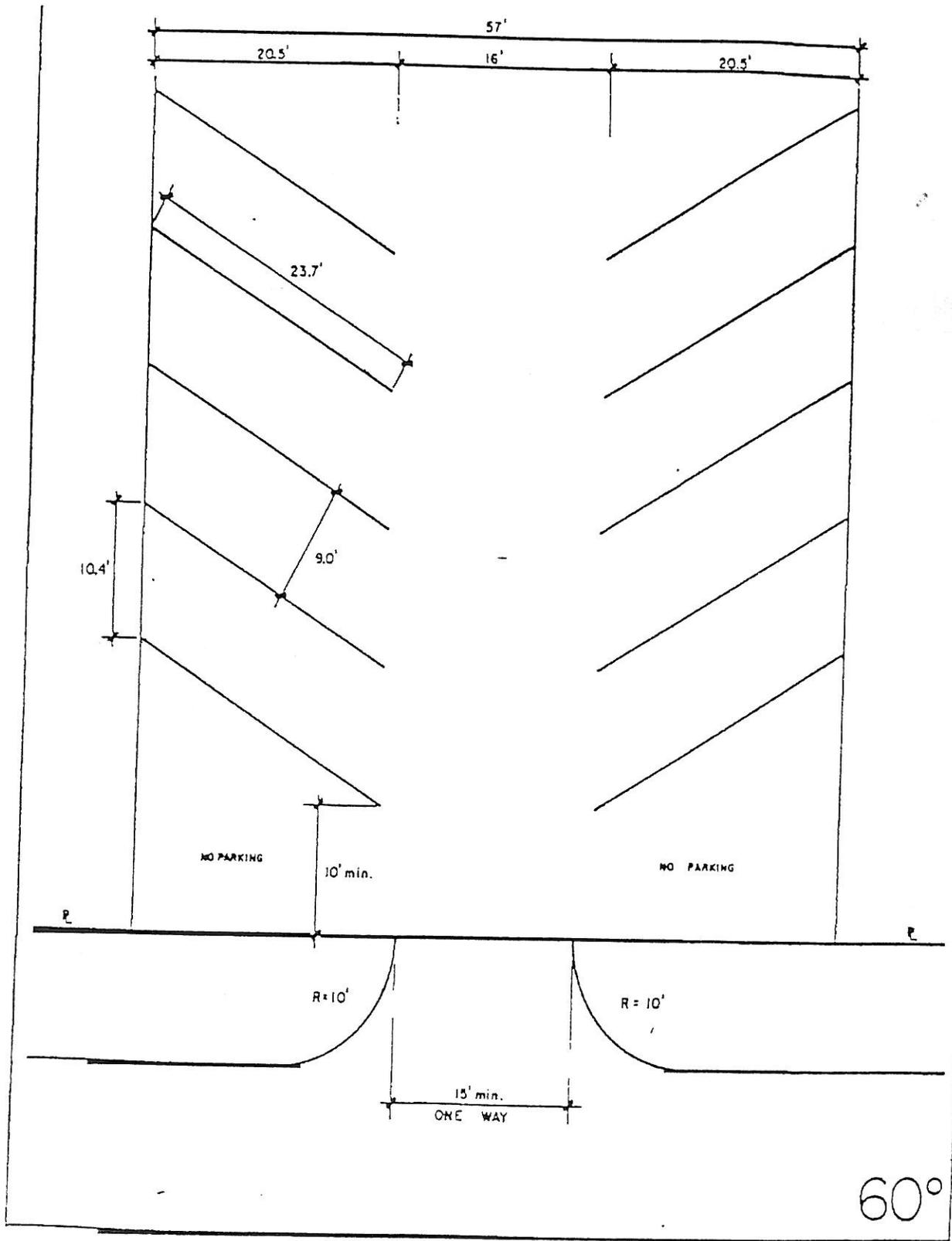


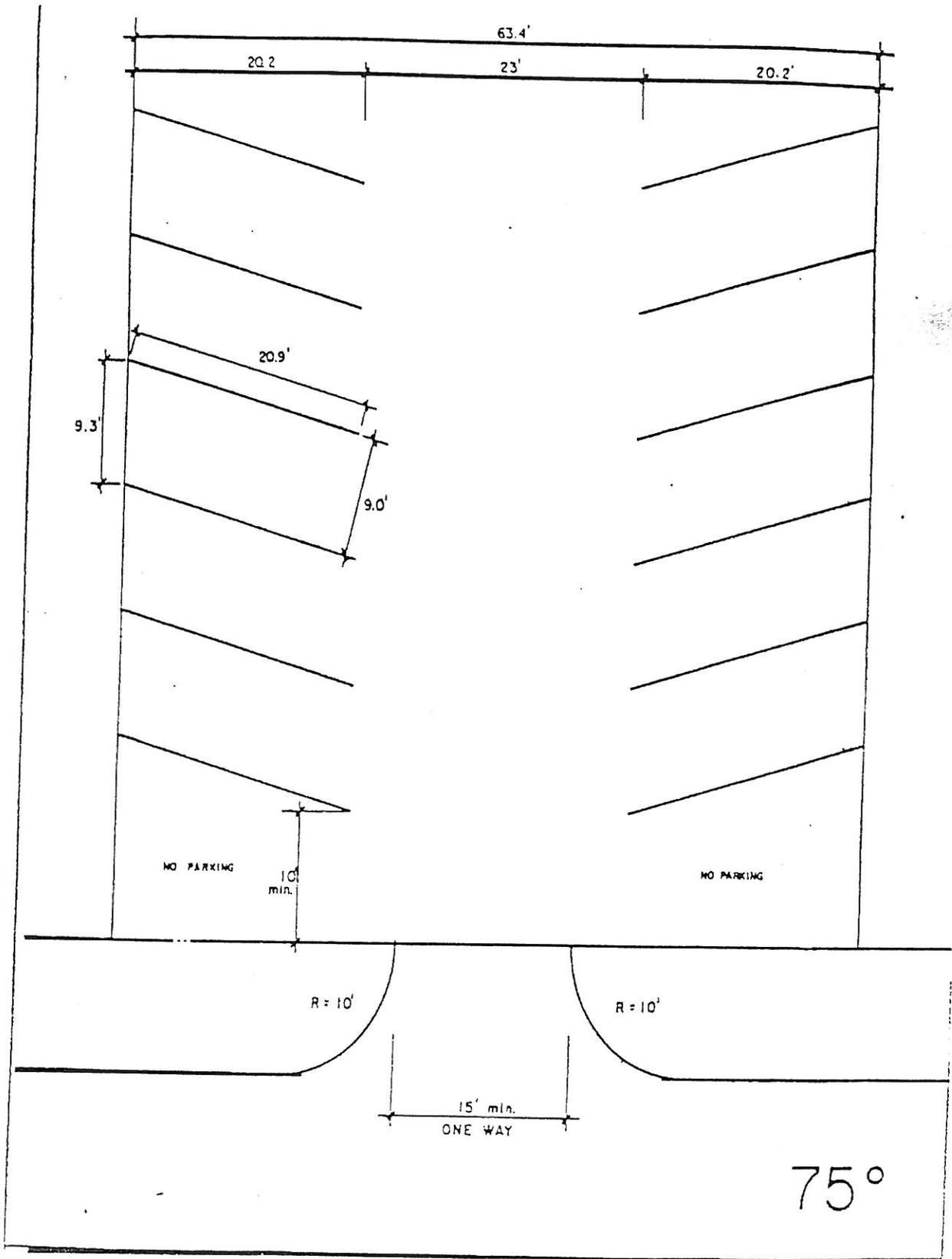
PARKING ANGLE θ	ONE - WAY								TWO - WAY			
	STALL WIDTH A	CURB LENGTH B	STALL DEPTH C	STALL LINE LENGTH D	AISLE WIDTH E	STALL DEPTH INTERLOCK F	WALL TO INTERLOCK INTERLOCK G	INTERLOCK TO INTERLOCK H	AISLE WIDTH I	STALL DEPTH INTERLOCK J	WALL TO INTERLOCK INTERLOCK K	INTERLOCK TO INTERLOCK L
0°	8.0	22.0	8.0	8.0	11.0	8.0	27.0	27.0	20.0	8.0	36.0	36.0
30°	8.5	17.0	16.6	33.2	11.0	12.9	40.5	36.8	20.0	12.9	49.5	45.8
	9.0	18.0	17.0	34.0	11.0	13.1	41.1	37.2	20.0	13.1	50.1	46.2
	9.5	19.0	17.5	35.0	11.0	13.4	41.9	37.8	20.0	13.4	50.9	46.8
45°	8.5	12.0	19.1	27.0	11.0	16.1	46.2	43.2	20.0	16.1	55.2	52.2
	9.0	12.7	19.4	27.4	11.0	16.2	46.6	43.4	20.0	16.2	55.6	52.4
	9.5	13.4	19.8	28.0	11.0	16.4	47.2	43.8	20.0	16.4	56.2	52.8
60°	8.5	9.8	20.3	23.4	17.0	18.2	55.5	53.4	24.0	18.2	62.5	60.4
	9.0	10.4	20.5	23.7	16.0	18.3	54.8	52.6	23.0	18.3	61.8	59.6
	9.5	11.0	20.8	24.0	14.0	18.4	53.2	50.8	22.0	18.4	61.2	58.8
75°	8.5	8.8	20.1	20.8	25.0	19.0	64.1	62.0	25.0	19.0	64.1	63.0
	9.0	9.3	20.2	20.9	23.0	19.0	62.2	61.0	23.2	19.0	62.4	61.2
	9.5	9.8	20.3	21.0	22.0	19.1	61.4	60.2	22.0	19.1	61.4	60.2
90°	8.5	8.5	18.5	18.5	27.0	18.5	64.0	64.0	27.0	18.5	64.0	64.0
	9.0	9.0	18.5	18.5	25.0	18.5	62.0	62.0	25.0	18.5	62.0	62.0
	9.5	9.5	18.5	18.5	24.0	18.5	61.0	61.0	24.0	18.5	61.0	61.0
90° BACK IN*	8.5	8.5	18.5	18.5	23.0	18.5	60.0	60.0	23.0	18.5	60.0	60.0

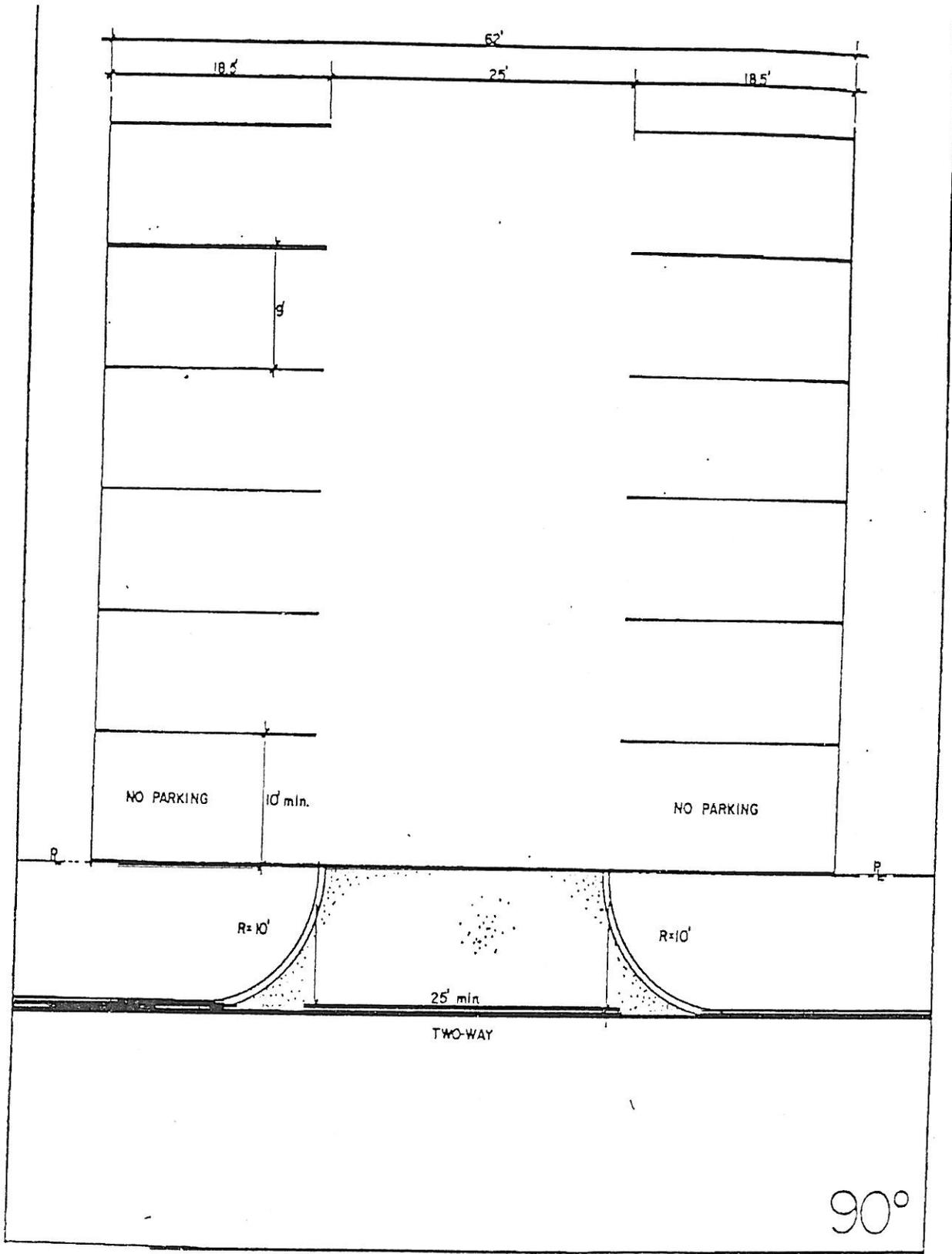
* For attendant parking only

Note 1: The 8.5 foot wide stall dimensions are the minimums for attendant and long term (greater than four hours) parking only.









SECTION 29
BUFFERS

29.01 Purpose.

The purpose of a buffer is to provide a separation between conflicting or potentially conflicting land uses. This separation is provided to mitigate the negative impacts of noise, light, glare, odor, pollution, dust, unsightliness, or other factors which may be considered obnoxious, offensive, or a nuisance to the public which may be generated on, created on, emanate from, or be visible on a lot or parcel of land.

29.02 General provisions.

The following general conditions and requirements shall apply under all circumstances except as may be provided for in Section 29.04.

- (A) Where any lot or parcel of land which is located in the O, C-1, C-2, C-3, I-1, or I-2 District shares a property line or a part of a property line with a lot or parcel of land located in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, or MH District, a buffer as required in Section 29.05 shall be provided on the lot or parcel of land located in the O, C-1, C-2, C-3, I-1, or I-2 District. The buffer shall be provided at the time of construction of a use that is first listed as permitted in one of those districts. The type of buffer provided shall be as provided for in Section 29.03. The buffer shall be provided by the owner or developer of the lot in the O, C-1, C-2, C-3, I-1, or I-2 District.
- (B) Where any lot or parcel of land which is located in the MF or MH District shares a property line or a part of a property line with a lot or a parcel of land located in the A-E, R-1, R-2, R-3, R-4, R-5, or R-6 District, a buffer as required in Section 29.05 shall be provided on the lot or parcel of land located in the MF or MH District. The buffer shall be provided at the time of construction of a use that is first listed as permitted in the MF or MH District. The type of buffer provided shall be as provided for in Section 29.03. The buffer shall be provided by the owner or developer of the lot in the MF or MH District.
- (C) Where a buffer is required, it shall be completed prior to issuance of any certificate of occupancy. A buffer shall always be maintained in compliance with the requirements of this ordinance. If the landscape material in the buffer cannot be planted because of the season, a temporary certificate of occupancy may be issued provided a bond to cover the cost of the material and labor is filed with the Building Inspector.
- (D) All buffers shall be maintained in such a way so as not to create a hazard by blocking the view a driver has of vehicles or pedestrians moving on the property, of vehicles entering or exiting the property, or of vehicles or pedestrians on the street.
- (E) An earthen berm may count toward the prescribed height of any buffer.
- (F) Under no circumstances shall a buffer be allowed to become a nesting ground, breeding ground, or harborage for mosquitoes, rodents, snakes, vectors, vermin, or other pests. Additionally, a buffer shall be kept free of litter.
- (G) Any and all trees, bushes, shrubs, grass, ground cover, or other landscape material which are planted as part of a buffer, or which is part of natural or existing vegetation which is incorporated into a buffer, which dies due to exposure, neglect, or any other cause shall be replaced by the end of the upcoming March or September, whichever is sooner.
- (H) A buffer shall be located on the outer perimeter of a lot or parcel of land, extending to the boundary of the lot or parcel. Buffers shall not be located on or have counted as part of their total width any portion of an existing or dedicated public or private street or right-of-way.

29.03 Types of buffers.

One or a combination of the following types of buffers shall be provided as called for in Section 29.05.

- (A) A six-foot high or higher sight-barring fence or wall. The fence or wall shall be maintained in a good state of repair.
- (B) A strip of land a minimum of six feet wide planted with evergreen bushes and/or evergreen trees spaced a maximum of six feet apart. At the time they are planted, the trees shall be a minimum of six feet tall measured from the surface of the ground at the trunk to the top of the tree, and the bushes shall be a minimum of four feet tall measured from the surface of the ground at the trunk to the top of the bush. Additionally, at the time the bushes and/or trees are planted and thereafter, they shall create a screen which is at least 50 opaque between two and six feet above the ground throughout the year. The trees and/or bushes shall be well-maintained and cared for.
- (C) A strip of land a minimum of twenty five feet wide planted with evergreen trees, evergreen bushes, deciduous trees, deciduous bushes, or on which earth berms are constructed, or a combination thereof so as to create a screen that is at least 50 percent opaque between two and eight feet above the ground throughout the year. At the time they are planted, bushes must be a minimum of 3 feet tall from the surface of the ground at the trunk to the top of the plant, and trees must be a minimum of six feet tall from the surface of the ground at the trunk to the top of the tree. The planting strip may be allowed to brow into a semi-natural state.
- (D) A strip of land a minimum of 40 feet in width that is allowed to remain in its natural state.
- (E) A strip of land a minimum of 300 feet in width that is allowed to remain in its natural state.
- (F) A Type B buffer may be substituted for a Type A buffer upon approval by the Planning and Zoning Commission, and any other wider buffer may be substituted at the discretion of the owner or developer.

29.04 Exceptions.

Upon approval of the Planning and Zoning Commission, one of the narrower or lower-type buffers listed in Section 29.03 may be substituted for the required buffer listed in Section 29.05 under one of the following circumstances:

- (A) If a parking lot or driveway is located between the buildings, storage areas, or other usable or improved areas of the site and any property line along with a buffer is required;
- (B) If the natural topography contributes to the intent of the requirements for a buffer;
- (C) If a combination of narrower or lower-type buffers is provided; or
- (D) If the distance, topography, and/or vegetation between the source of any possible nuisances and any occupied structures on adjacent properties is sufficient to accomplish the purpose of a buffer.

29.05 Table of requirements.

Many specific uses and the particular type of buffer which is required for each use are listed in this table. This table is designed to be cross-referenced with the Permitted Uses table in Section 22 of this ordinance. The table of buffer requirements is not intended to be all-inclusive. It is intended to serve as a guide regarding the type of buffer that should be provided between certain land uses. The appropriate buffer for any activity that is not identified in this table shall be determined as provided for in Section 15. The types of buffers listed correspond to those listed in Section 29.03.

TABLE OF BUFFER REQUIREMENTS

Land Use	Minimum Type of Buffer Between Land Use on Subject Property and Adjacent Zoning District								
	A-E	R-1	R-2	R-3	R-4	R-5	R-6	MF	MH
AGRICULTURAL TYPE USES-	No buffer is required for uses listed in Section 21.02 except those uses listed below and uses deemed similar as provided for in Section 15.								
Animal clinic or hospital – no outside runs or pens	A	A	A	A	A	A	A	A	A
Animal clinic, hospital or kennel with outside runs or runs	E	E	E	E	E	E	E	E	E
Animal pound or kennel with outside runs or pens	E	E	E	E	E	E	E	E	E
Dairy	E	E	E	E	E	E	E	E	E
Livestock auction	E	E	E	E	E	E	E	E	E
Livestock feeding plant, pens, or yard	E	E	E	E	E	E	E	E	E
Livestock grazing	E	E	E	E	E	E	E	E	E
Poultry hatchery	E	E	E	E	E	E	E	E	E
COMMERCIAL TYPE USES -	A Type A buffer is required for uses listed in Section 21.03 except those uses listed below and uses deemed similar as provided for in Section 15.								
Cleaning, laundry or dyeing plant – commercial	D	D	D	D	D	D	D	D	D

Grain elevator	E	E	E	E	E	E	E	E	E
----------------	---	---	---	---	---	---	---	---	---

Meat and game slaughtering and processing	E	E	E	E	E	E	E	E	E
---	---	---	---	---	---	---	---	---	---

CONSTRUCTION AND HOME IMPROVEMENT -

A Type A buffer is required for uses listed in Section 21.04 except those uses listed below and uses deemed similar as provided for in Section 15.

Building materials - unscreened	D	D	D	D	D	D	D	D	D
---------------------------------	---	---	---	---	---	---	---	---	---

Concrete products - manufacturing	E	E	E	E	E	E	E	E	E
-----------------------------------	---	---	---	---	---	---	---	---	---

EATING ESTABLISHMENTS - A Type A buffer is required for uses listed in Section 21.05 unless deemed otherwise as provided for in Section 15

EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES -

A Type A buffer is required for uses listed in Section 21.06 except those uses listed below and uses deemed similar as provided for in Section 15.

Cemetery or mausoleum No buffer is required.

GENERAL MANUFACTURING AND INDUSTRIAL USES -

A Type A buffer is required for uses listed in Section 21.07 except those uses listed below and uses deemed similar as provided for in Section 15.

Animal fertilizer factories	E	E	E	E	E	E	E	E	E
-----------------------------	---	---	---	---	---	---	---	---	---

Asphalt batching plant - permanent or temporary	E	E	E	E	E	E	E	E	E
---	---	---	---	---	---	---	---	---	---

Brick kiln or tile plant	D	D	D	D	D	D	D	D	D
--------------------------	---	---	---	---	---	---	---	---	---

Cement or hydrated lime manufacture	E	E	E	E	E	E	E	E	E
-------------------------------------	---	---	---	---	---	---	---	---	---

Any other use which is obnoxious or offensive by reason of odor, dust, smoke, gas, or noise

To be determined at time of application for Special Use Permit.

MEDICAL AND RELATED USES - A Type A buffer is required for uses listed in Section 21.08 except those uses listed below and uses deemed similar as provided for in Section 15.

Group care home for 6 or fewer people

No buffer is required.

MOTOR VEHICLE AND RELATED USES -

A Type A buffer is required for uses listed in Section 21.09 except those uses listed below and uses deemed similar as provided for in Section 15.

Automobile wrecking yard

See Section 22.06 (I) (3).

Automobile wrecking yard

See Section 22.06 (I) (3)

Wrecking or salvage yard

See Section 22.06 (I) (3).

NATURAL RESOURCE STORAGE AND EXTRACTION -

A Type A buffer is required for uses listed in Section 21.10 except those uses listed below and uses deemed similar as provided for in Section 15.

Extraction and storage of sand poliche, stone, gravel, clay, or other natural resources

To be determined at time of application for Special Use Permit.

Petroleum or gas well

See Chapter 20A in Code of Ordinances

OFFICES, PROFESSIONAL AND FINANCIAL -

A Type A buffer is required for uses listed in Section 21.11 except those uses listed below and uses deemed similar as provided for in Section 15.

Field office for the sale of real estate - temporary

No buffer is required.

RECREATIONAL, SOCIAL, AND ENTERTAINMENT -

A Type A buffer is required for uses listed in Section 21.12 except those uses listed below and uses deemed similar as provided for in Section 15.

Go-cart track	E	E	E	E	E	E	E	E	E
Motor vehicle racetrack	E	E	E	E	E	E	E	E	E
Park or playground – private	No buffer is required.								
Park or playground – public	No buffer is required.								
Shooting range – outdoor	E	E	E	E	E	E	E	E	E
Stable – commercial	E	E	E	E	E	E	E	E	E
Stable – private	See Chapter 4 in Code of Ordinances.								
Swimming pool – residential	No buffer is required.								
Tennis courts – residential	No buffer is required.								
REPAIR AND SERVICE -	A Type A buffer is required for uses listed in Section 21.13.								
RESIDENTIAL USES -	No buffer is required for uses listed in Section 21.14 except those listed below and uses deemed similar as provided for in Section 15.								
Apartment	A	A	A	A	A	A	none	none	A
Bed and breakfast	See Section 22.11 (B).								
Boarding, rooming, or lodginghouse	A	A	A	A	A	A	none	none	A
Condominium	A	A	A	A	A	A	none	none	A
Group care home for seven or more people	To be determined at time of application for Special Use Permit.								
Hotel or motel	A	A	A	A	A	A	A	A	A

Multifamily dwelling	A	A	A	A	A	A	A	none	none	A
Recreational vehicle	A	A	A	A	A	A	A	A	A	A
Trailer, travel trailer, mobile home or recreational vehicle park	A	A	A	A	A	A	A	A	A	A

RETAIL SALES AND SERVICES- A Type A buffer is required for uses listed in Section 21.15 except those uses listed below and uses deemed similar as provided for in Section 15.

Christmas tree sales	No buffer is required if the use is seasonal or temporary.
Garage sales	No buffer is required.
Sidewalk sales conducted by a permanently established business on same or adjacent property on a temporary basis	The buffer which is provided for the permanently established business shall be sufficient for this use.

SIGNS - No buffer shall be required for uses listed in Section 21.16.

TRANSPORTATION TYPE USES- A Type A buffer is required for uses listed in Section 21.17 except those uses listed below and uses deemed similar as provided for in Section 15.

Bus stop shelter	No buffer is required.
Railroad track or right-of-way	No buffer is required.
Taxi stand	No buffer is required.

UTILITY AND RELATED SERVICE ACTIVITIES - A Type A buffer is required for uses listed in Section 21.18 except those uses listed below and uses deemed similar as provided for in Section 15.

Antenna tower - commercial	To be determined at time of application for Special Use Permit.
Electrical generating line	To be determined at time of application for Special Use Permit.
Electrical transmission line	No buffer is required.
Field or construction office – temporary	No buffer is required.
Local utility distribution lines	No buffer is required.
Public utility facilities	To be determined at time of application for Special Use Permit.
Public water reservoir or well	No buffer is required.
Radio and television or microwave tower	To be determined at time of application for Special Use Permit.
Sanitary landfill	To be determined at time of application for Special Use Permit.
Sewage treatment plant	To be determined at time of application for Special Use Permit.
Telephone line and exchange switching or relay station excluding the conduct of public business and repair/and or storage facilities	To be determined at time of application for Special Use Permit.
Water reservoir, pumping station, well, or tower	No buffer is required.
Water treatment plant	To be determined at time of application for Special Use Permit

SECTION 30
ORDINANCES CARRIED FORTH

30.01 Purpose.

The ordinance of December 13, 1951, which originally created zoning districts and use regulations in Marshall, and ordinance number O-63-7, which substantially revised the zoning districts and use regulations, have been amended many times. A number of these amendments were for special use permits or for Planned Development district rezonings. Many of these special use permits and planned developments will continue to be valid and in full force and effect under this ordinance. It is the purpose of this section to specify which special use permits and planned developments will be carried forth and not be repealed as provided for in Section 2 of this ordinance.

30.02 Planned developments carried forth.

Any Planned Development which is carried forth is subject to the same use and occupancy regulations and restrictions which were established at the time the ordinance for the Planned Development was approved. Planned Developments with the following ordinance numbers will be carried forth until they are amended or repealed: O-79-32, O-80-40, O-81-10, O-80-31, O-80-22, O-81-26, O-81-44, O-82-19, O-82-43, O-82-70, O-82-89, O-82-100, O-83-07, O-83-08, O-83-10, O-83-21, O-83-34, O-84-05, O-84-20, O-84-39, O-84-40, O-84-45, O-84-59, O-84-60, O-84-82, O-84-81, O-85-06, O-86-27, O-85-16, and O-86-26.

30.03 Special Use Permits for activities other than mobile homes carried forth.

Any Special Use Permit, which is carried forth, is subject to the use and occupancy regulations and restrictions which were established at the time the ordinance for the Special Use Permit was approved. Special Use Permits with the following ordinance numbers will be carried forth until they are repealed, amended, or are no longer in compliance with the conditions which were established by the particular ordinance for issuance of the permit: O-72-46, O-74-31, O-75-26, O-75-27, O-75-30, O-76-2, O-76-8, O-82-11, O-82-25, O-82-66, O-82-79, O-82-81, O-82-93, O-8-94, O-82-95, O-82-97, O-82-98, O-82-99, O-83-02, O-83-04, O-83-12, O-83-13, O-83-14, O-83-20, O-83-38, O-84-38, O-84-42, O-84-83, O-85-17, O-85-33, O-85-48, O-85-60, O-86-4, and O-86-36.

30.04 Status of Special Use Permits for mobile homes.

- (A) Special Use Permits for mobile homes which at the time of adoption of this ordinance are located on the designated property in compliance with the regulations which were in effect at the time the Special Use Permit was approved or most recently renewed will not be carried forth. These mobile homes will be allowed to remain on the property in compliance with Section 4A of the Texas Manufactured Housing Standards Act. These mobile homes must continue to comply with the conditions which were established at the time of approval of the Special Use Permit.
- (B) Mobile homes for which Special Use Permits have been approved but which have not yet been placed on the designated property may be placed on the property in compliance with the regulations in effect at the time the Special Use Permit was approved if the Special Use Permit has not expired. The date of expiration of a Special Use Permit for a mobile home is five years from the date of approval of the permit. If a mobile home has been placed on a lot or tract in compliance with an approved Special Use Permit prior to the adoption of this ordinance and subsequently removed so that the property is vacant at the time of adoption of this ordinance then a mobile home may be placed on the property in compliance with the requirements of the Special Use Permit prior to the date of expiration of the Special Use Permit. In either of the two situations referred to in this paragraph, the Special Use Permit will not be carried forth, but the mobile home may remain on the property in compliance with

Section 4A of the Texas Manufactured Housing Standards Act. If property for which a Special Use Permit for a mobile home has been approved is vacant at the time of approval of this ordinance and remains vacant until the Special Use Permit expires, no mobile home may be placed on that property following expiration of the Special Use Permit.

- (C) In any case, if any mobile home is removed from a lot or tract and the property is left vacant for a period of six consecutive months or longer then the same or another mobile home shall not be placed on the property.

PASSED AND APPROVED this . day of _____, 1987.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 1987.

AYES: _____

NOES: _____

ABSTAINED: _____

CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

