

# **CITY OF MINEOLA, TEXAS**

## **ZONING ORDINANCE**

Ord. No. 06-03-27

Adopted: March 27, 2006

Revised September 14, 2021



**TABLE OF CONTENTS**

**Article 1 - General Provisions ..... 4**

    Section 1-1 Title..... 4

    Section 1-2 Purpose ..... 4

    Section 1-3 Zoning Districts Established..... 4

    Section 1-4 Zoning District Map ..... 5

    Section 1-5 Zoning District Boundaries ..... 5

    Section 1-6 Zoning of Annexed Territory..... 6

    Section 1-7 Compliance With Zoning Regulations ..... 7

    Section 1-8 Platted Property is Permanently Zoned ..... 7

    Section 1-9 Creation of Building Site..... 7

    Section 1-10 Building Permits and Certificates of Occupancy ..... 8

    Section 1-11 Rules for Words and Phrases ..... 8

    Section 1-12 Amendments, Changes and Administrative Procedures ..... 8

    Section 1-13 Board of Adjustment..... 11

    Section 1-14 Schedule of Fees; Charges, and Expenses..... 15

    Section 1-15 Violation and Penalty ..... 16

    Section 1-16 Severability ..... 16

**Article 2 - Non-Conforming Lots, Structures, and Uses..... 17**

    Section 2-1 Categories of Nonconformity..... 17

    Section 2-2 Nonconforming Uses Regulated ..... 17

    Section 2-3 Nonconforming Status..... 17

    Section 2-4 Nonconforming Lots of Record ..... 17

    Section 2-5 Nonconforming Uses of Land..... 18

    Section 2-6 Nonconforming Buildings ..... 18

    Section 2-7 Nonconforming Uses of Buildings ..... 19

    Section 2-8 Repairs and Maintenance ..... 20

    Section 2-9 Nonconforming Uses Discontinued..... 20

    Section 2-10 Changes that Lessen Nonconformity ..... 21

**Article 3 - Permitted Uses ..... 22**

    Section 3-1 Use of Land and Buildings ..... 22

    Section 3-2 Special Conditions for Listed Uses ..... 32

Section 3-3 General Definitions..... 35

Section 3-4 Land Use Definitions and Explanations ..... 42

**Article 4 - Zoning Districts .....Error! Bookmark not defined.2**

Section 4-1 AG - Agricultural District..... 62

Section 4-2 SF-12 - Single Family Residential District..... 63

Section 4-3 SF-7 - Single Family Residential District..... 64

Section 4-4 MD - Medium Density Residential District..... 66

Section 4-5 MU – Mixed Use District..... 67

Section 4-6 MH - Manufactured Home District..... 71

Section 4-7 MF 18 – Multifamily Residential District ..... 77

Section 4-8 MF 24 – Multifamily Residential District ..... 79

Section 4-9 C-1 –Commercial District – Office, Retail & Neighborhood Service ..... 81

Section 4-10 C-2 - General Commercial District ..... 83

Section 4-11 I –Manufacturing/Industrial District..... 85

**Article 5 - Special Districts ..... 87**

Section 5-1 PD - Planned Development District..... 87

Section 5-2 Heritage Preservation Overlay District (HP) ..... 91

Section 5-3 MH, Manufactured Home Overlay District ..... 98

Section 5-4 Neighborhood Commercial Overlay District .....99

**Article 6 - Supplemental District Regulations ..... 103**

Section 6-1 Site Plan Requirements ..... 103

Section 6-2 Specific Use Permits ..... 105

Section 6-3 Accessory Building Regulations ..... 109

Section 6-4 General Height Requirements..... 110

Section 6-5 Temporary Uses and Special Events..... 111

Section 6-6 Home Occupations..... 113

Section 6-7 Off-Street Parking and Loading Requirements ..... 114

Section 6-8 Sign Regulations ..... 124

Section 6-9 Screening and Buffer Requirement..... 136

Section 6-10 Fencing..... 137

Section 6-11 Masonry Exterior Requirements..... 142

Section 6-12 Landscape Requirements ..... 143

Section 6-13 Tree Preservation..... 154  
Section 6-14 Wireless Communication Facilities ..... 158  
Section 6-15 Garden (Patio) Homes ..... 166  
Section 6-16 Outdoor Lighting Requirements ..... 168  
Section 6-17 Manufactured Housing Parks..... 172  
Section 6-18 Recreational Vehicle Parks ..... 179  
Section 6-19 Alcoholic Beverage Regulations..... 182

## Article 1 - General Provisions

### Section 1-1 Title

This ordinance shall be known and may be cited as "The City of Mineola Zoning Ordinance".

### Section 1-2 Purpose

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

### Section 1-3 Zoning Districts Established

#### A. ZONING DISTRICTS IDENTIFIED.....

The City of Mineola, Texas, is hereby divided into zoning districts as listed in the section.

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
AG	Agricultural District
SF-12	Single Family Residential District
SF-7	Single Family Residential District -
MD	Medium Density Residential – Duplex District
MH	Manufactured Home District
MF-18	Multifamily District
MF-24	Multifamily District
MU	Mixed Use District
C1	Commercial District - Office, Retail, .....
C2	Commercial District - General
I	Industrial/Manufacturing District

**Section 1-4 Zoning District Map**

**A. ZONING DISTRICT BOUNDARIES DELINEATED ON ZONING DISTRICT MAP**

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

**B. REGULATIONS FOR MAINTAINING ZONING DISTRICT MAP**

Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Administrator/Manager and shall be filed and maintained as follows:

1. One copy shall be filed with the City Administrator/Manager, to be retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the Building Official of all changes made to the Zoning District Map.
3. Reproductions of the official Zoning District Map may be made for information purposes.

**Section 1-5 Zoning District Boundaries**

**A. RULES FOR DETERMINING DISTRICT BOUNDARIES**

The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
5. Boundaries indicated as parallel to or extensions of features indicated in above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined for the graphic scale on the map.
6. Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a street or alley 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 way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

7. Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of 1 through 5 above, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified AG-Agricultural District, temporarily. In an area determined to be temporarily classified as AG-Agricultural District, no person shall construct, add to or alter any building or structure or cause the sale to be done, nor shall any use be located therein or on the land which is not permitted in an AG-Agricultural District, unless and until such territory has been zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

**Section 1-6 Zoning of Annexed Territory**

**A. PERMANENT ZONING CONCURRENT WITH ZONING**

An area or areas being annexed to the City of Mineola shall ordinarily be given permanent zoning concurrently with the annexation.

**B. TEMPORARY CLASSIFICATION**

In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as AG-Agricultural District, until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The City Council shall determine a permanent zoning for such area as soon as practicable after annexation.

**C. REGULATIONS IN AREAS TEMPORARILY CLASSIFIED**

In an area temporarily classified as AG-Agricultural District:

1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Mineola without first applying for and obtaining a building permit or certificate of occupancy from the Building Official or the City Council, as may be required.
2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in a zoning district other than the Agricultural District by the City Council in the manner prescribed by law.

**D. CONTEMPORANEOUS ACTION ON ZONING AND ANNEXATION**

In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.



**Section 1-7 Compliance With Zoning Regulations**

**A. COMPLIANCE WITH ZONING REGULATIONS REQUIRED**

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

**B. AUTHORITY TO ENTER UPON PRIVATE PROPERTY**

The City Administrator/Manager or a designee may, in the performance of his functions and duties under the provisions of this ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this ordinance.

**C. EXCLUSIONS**

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance where as the entire building shall be completed within one (1) year from the date of passage of this ordinance.

**Section 1-8 Platted Property is Permanently Zoned**

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

**Section 1-9 Creation of Building Site**

**A. PROCEDURE FOR CREATING BUILDING SITE/LOT**

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

1. The lot or tract is part of a plat of record, properly approved by the Mayor, and filed in the plat records of the county and counties in which the lot or tract is located.
2. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation by the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel.
3. The plot or tract is all or part of a site plan officially approved by the City Council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts, or lots must be provided access via a public street or drive.

**Section 1-10 Building Permits and Certificates of Occupancy**

**A. GENERAL REQUIREMENTS**

No permanent structure may be constructed relocated, or occupied within the city limits prior to issuance of a building permit and/or a Certificate of Occupancy as specified in the International Building Code or International Residential Code.

**Section 1-11 Rules for Words and Phrases**

**A. GENERAL INTERPRETATION**

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

**B. TENSE AND NUMBER**

Words used in the present tense include the future tense; words in the singular number include the plural number; and words in the plural number include the singular number.

**C. INTERPRETATION OF CERTAIN WORDS**

The word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "used" means "designed, intended, or arranged to be used"; "occupied" means "occupied or intended, designed, or arranged to be occupied." The word "lot" includes the words "plot," "parcel" or "tract of land"; the word "building" includes the word "structure"; the word "including" means "including but not limited to."

**Section 1-12 Amendments, Changes and Administrative Procedures**

**A. DECLARATION OF POLICY**

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

1. To correct any error in the regulations or map.
2. To recognize changed or changing conditions or circumstances in a particular locality.
3. To recognize changes in technology, style of living, or manner of doing business.

**B. AUTHORITY TO AMEND ORDINANCE**

The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City

Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

**C. PUBLIC HEARING AND NOTICE**

1. Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call a public hearing on said application.
2. Written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date of such hearing, to all owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the City Post Office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll. Notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.
3. If at the conclusion of the hearing, the Planning and Zoning Commission recommends amendment of this ordinance to the City Council, said recommendation shall be by resolution of the Planning and Zoning Commission recorded by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
4. If, a after public hearing, the Planning and Zoning Commission recommends denial of an application, the applicant may appeal said determination of the City Council by filing a written notice of appeal with the City Administrator/Manager within ten (10) days after the determination of the Planning and Zoning Commission.
5. The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends denial of the application and fails to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

**D. ACTION OF THE CITY COUNCIL**

1. If the Planning and Zoning Commission has recommended approval of an application or if the Planning and Zoning Commission has recommended denial of an application and a notice of appeal has been filed pursuant to Section C. 4, the City Council shall set said application for public hearing and shall give notice of the time and place of the hearing by

- one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing, and in addition shall send written notices to the owner of the property or his agent, and to all property owners of real property lying within two hundred (200) feet of the subject property pursuant to Section C. 4.
2. If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple majority vote of the Councilmen present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the Planning and Zoning Commission, the amendment shall not become effective except by the favorable vote of three fourths (3/4) of all members of the City Council of the City of Mineola present and voting.
  3. When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may disapprove the petition or application for amendment by a simple majority vote of the City Councilmen present and voting. In the event of a tie vote of the City Councilmen present and voting, the Mayor may cast the deciding vote.
  4. In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more, either of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Mineola.
  5. In making its determination, the City Council may consider the following factors:
    - a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.
    - b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
    - c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
    - d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
    - e. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
    - f. Any other factors which will substantially affect the public health, safety, morals or general welfare.
  6. In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the City Council shall further consider whether said application shall be denied with or without prejudice against refileing. If the City Council shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that

said application is being denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or part of the subject tract of land for a period of one (1) year from the date of denial by the City Council. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

**E. LIMITATION OF RESUBMISSION OF PETITION**

In cases when the application for an amendment to the Zoning Ordinance is denied by the Planning and Zoning Commission, and no appeal therefrom is taken to the City Council, or in cases when an application for an amendment to the Zoning Ordinance is denied by the City Council, (in either of said events), said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

In the event of a reapplication affecting the same land for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

**F. FINAL APPROVAL AND ORDINANCE ADOPTION**

If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

**G. CHANGES IN ZONING REGULATIONS**

Amendments to the Zoning Ordinance not involving a particular property but involving change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

**Section 1-13 Board of Adjustment**

**A. CREATION, MEMBERSHIP AND PROCEDURES**

1. Board of Adjustment Established: A Board of Adjustment is hereby established in accordance with the provisions of Texas Local Government Code, § 211.008, as amended, regarding the zoning of cities and with the powers and duties as provided in said Code.
2. Membership. The Board of Adjustments shall consist of five (5) citizens of Mineola, each to be appointed or re-appointed by the Mayor and confirmed by the City Council.
3. Terms of Office: Members of the Board shall serve for staggered terms of two (2) years each. Three (3) members shall serve until January 1 of odd-numbered years, as heretofore appointed, and two (2) members, as heretofore appointed, shall serve until January 1 of

even-numbered years, and thereafter each member reappointed for each new appointee shall serve for a full term of two (2) years unless removed as hereinabove provided.

4. Quorum: A quorum shall consist of three (3) members to convene and conduct administrative action. However, four (4) members are necessary to hear testimony and action on any quasi-judicial matter before the board.
5. Alternate Members: The City Council may appoint four (4) alternate members of the Board who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the Board, so that all cases to be heard by the Board will always be heard by a minimum number of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members.
6. Vacancies: Vacancies shall be filled by the City Council for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made.
7. Chairperson: The Board shall elect its own Chairperson, who shall serve for a period of one (1) year or until a successor is elected.
8. Hearings: The hearings of the Board shall be public. However, the Board may go into executive session for discussion, but not for vote on any case before it. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest.
9. Meetings: Regular meetings of the Board shall be held at such times as the Board may determine. Special meetings of the Board shall be held at the call of the chairman or at the written request of two regular members of the Board, said request to be submitted to the Chairman.

**B. RULES AND REGULATIONS**

- a. Minutes: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Administrator/Manager and shall be public record.
- b. Board Action: The Board shall act by resolution in which four (4) members must occur.
- c. Additional Rules and Regulations: The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the Zoning Administrator and the City Administrator/Manager or a designee, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

**C. POWERS AND DUTIES OF THE BOARD**

The Board of Adjustment shall have the powers and exercise the duties of a Board in accordance with Texas Local Government Code Chapter 211.009(a) Board Members are representatives of the

City and may:

1. hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance;
2. hear and decide special exceptions to the terms of the zoning ordinance;
3. authorize in specific cases a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
4. hear and decide other matters authorized by the Council.

**D. LIMITATION ON REAPPLICATIONS**

When the Board has denied a proposal, no new applications of similar nature shall be accepted by the Board or scheduled for twelve (12) months after the date of Board denial. Applications which have been withdrawn, at or before, the Board meeting may be resubmitted at any time for hearing before the Board.

**E. VOTE OF FOUR MEMBERS REQUIRED**

The concurring vote of four members of the Board is necessary to:  
reverse an order, requirement, decision or determination of an administrative official;  
decide in favor of an applicant on a matter on which the Board is required to pass; or  
authorize a variance from the terms of a zoning ordinance.

**F. APPEALS**

1. Procedure: Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the City Administrator/Manager a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed was taken.
2. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the City Administrator/Manager or a designee shall certify to the Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal was taken.
3. Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
4. Decision by Board: The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination

as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

**G. VARIANCES**

The Board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the Board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this ordinance and at the same time, the surrounding property will be properly protected.
3. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the City Administrator/Manager in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:
  - a. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
  - b. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and



**H. AUTHORIZED SPECIAL EXCEPTIONS**

The Board shall have the power to hear and decide special exceptions in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose for protection of the public health or safety:

Special Exception	District Where Permitted
Exterior construction material in the MU district	Sec. 4-5, I
Additional height for non-residential structures	Sec. 6-4, A, 3
Reduction of parking requirements	Sec. 6-7, D, 1
Amatuer antenna height in residential districts	Sec. 6-14, C, 3
Amatuer radio equipment and TV antennas	Sec. 6-14, C, 15
Commercial antenna facility height in residential districts	Sec. 6-14, D, 1
Antenna facility height in non-residential districts	Sec 6-14, E, 3&4
Relief from regulations for antennas and towers in non-residential districts	Sec. 6-14, E, 14
Relief for commercial antennas, towers, and satellite receive only antennas	Sec. 6-14, G
Height of light poles	Sec. 6-16, E, 3
Additional lighting elements	Sec. 6-16, G
Additional height for accessory structures	Sec. 6-3,F

**I. CHANGES**

The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board may not change the district designation of any land either to a more or less restrictive zone.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board only on appeal from the decision of the Building Official and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

**Section 1-14      Schedule of Fees; Charges, and Expenses**

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule shall be posted in the office of the administration official and may be altered or amended only by the City Council.

No permits, certificates, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

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

1. For docketing a zoning petition with the Planning and Zoning Commission of the City of Mineola.
2. For docketing an application for relief with the Board of Adjustment of the City of Mineola.

**Section 1-15 Violation and Penalty**

Any violation of this ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this ordinance shall be a fine not to exceed Two Thousand Dollars (\$2000.00).

**Section 1-16 Severability**

If any section, subsection, or phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

## Article 2 - Non-Conforming Lots, Structures, and Uses

### Section 2-1 Categories of Nonconformity

Within the districts established by this ordinance, or amendments that may later be adopted, there exists:

1. Lots and uses of land;
2. Buildings and structures;
3. Uses of land and buildings in combination; and
4. Characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue under regulations contained herein until they are removed, but not to encourage their survival. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

### Section 2-2 Nonconforming Uses Regulated

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. No nonconforming use of land, building, or nonconforming structure shall be enlarged, changed, altered, or repaired, except in conformance with the regulations contained in this section.

### Section 2-3 Nonconforming Status

Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

1. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use; or
2. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or
3. The use, lot, or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

### Section 2-4 Nonconforming Lots of Record

1. In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street

frontage in the same ownership, which were recorded prior to the effective date of this ordinance.

2. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations shall apply.

### **Section 2-5 Nonconforming Uses of Land**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land is deemed to be abandoned, for any reason, for a period of more than three (3) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Exception: If the non-conforming use of land is discontinued because of accidental fire or other natural disaster, the Board of Adjustments may approve the continuation of such non-conforming use, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming land and the conservation and protection of property.

### **Section 2-6 Nonconforming Buildings**

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Structures existing prior to the effective date of this ordinance, which were conforming at that time, are considered to be legally conforming structures currently.
2. No such nonconforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes.

3. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, or fifty percent (50%) of the area of the structure, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.
4. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

**Section 2-7 Nonconforming Uses of Buildings**

If lawful use involving individual buildings exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with city building codes.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, except as required by the city's building codes, any nonconforming use of a building, or building and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
4. Any building in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a building is discontinued or abandoned for three consecutive months, the building shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use status applied to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

**Exception:** If the non-conforming use of a building and premises in combination is discontinued because of accidental fire or other natural disaster, the Board

of Adjustments may approve the continuation of such non-conforming use, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the non-conforming use and the conservation and protection of property.

7. Where nonconforming use status applies to a conforming building, such use shall be immediately terminated upon transfer to another ownership or lease.

### **Section 2-8 Repairs and Maintenance**

On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be; provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized city official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt, except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **Section 2-9 Nonconforming Uses Discontinued**

A nonconforming use of any building or structure, which has been discontinued, shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered discontinued, unless otherwise provided for by exception, when:

1. It has been replaced with a conforming use;
2. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of three months, or the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced within such three month period; or
3. The intention of the owner to permanently discontinue the use is apparent.

**Section 2-10 Changes that Lessen Nonconformity**

Changing to a more restricted or less intensive nonconforming use that lessens the extent of the original nonconformity may be permitted according to *Section 2-7, 3* at the time of issuance of a building permit or certificate of occupancy.

## Article 3 - Permitted Uses

### Section 3-1 Use of Land and Buildings

#### LAND USE TABLE LEGEND

The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "Permitted", permitted by "Specific Use Permit", and prohibited uses as signified by blank cells. Conditions are provided in *Section 3-2, Special Conditions for Listed Uses*. Any use not expressly authorized and permitted herein is expressly prohibited.

<b>P</b>	Permitted Use
<b>S</b>	Specific Use Permit
	Prohibited Use



City of Mineola Land Use Table															
Residential Uses								Land Use Designations		Non-Residential				Special Conditions	
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU			C1	C2	I			(See Sec. 3-2)
<b>Residential Land Uses</b>															
P	S	S				S	P		Accessory Dwelling/Garage Apartment						11, 20
P									Agricultural Use						5, 6
				P	P				Apartment						
				S	P	S	S		Boarding House						2, 20
P	S	S		P	P	S	P		Bed and Breakfast, hosted	P	P				23
P	S			S	P		P		Bed and Breakfast, unhosted	P	P				24
P	S			S	S		P		Bed and Breakfast Retreat	P	P				25
P	S	S	S	P	P	S	S		Caretaker, Guard or Servant, Residence or Apt. Garage			P			2, 20
P	S	S				S	S		Dwelling, Guesthouse						2, 20
S	S			S	S				Convent, Rectory, Monastery	P					2
					P	S	S		Dwelling, Assisted Living Facility	S					2, 20
			P						Dwelling, HUD-Code Manufactured Home						19
P	P	P	P	P	P	P	P		Dwelling, Industrialized Housing						20
									Dwelling, Mobile Home						
				P	P				Dwelling, Multifamily						
				P	P	P	P		Dwelling, Single Family Attached						20
P	P	P				P	P		Dwelling, Single Family Detached						20
	S	S		S	S	P	P		Dwelling, Two Family						2, 20
				P	P	P	P		Dwelling, Patio (Garden) Home						20
P	P	P	P	P	P		S		Group Home for the Disabled or Disadvantaged						2, 20
			P						Manufactured Housing Park or Subdivision						
S							S		RV Park		S	S			

City of Mineola Land Use Table															
Residential Uses								Land Use Designations		Non-Residential				Special Conditions	
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU			C1	C2	I		(See Sec. 3-2)	
<b>Public, Civic and Utility Uses</b>															
									Airport, Public/Private			P		1	
									Animal Pound, Shelter		S	P		2, 5, 6	
S	S	S	S	S	S				Assembly Hall	S	P	P		2	
P	P	P	P	P	P				Athletic Field and Play Field, Public	P	P	P		1	
									Cemetery, Mausoleum, Crematorium		S	S		2	
S				S	S		S		Community Center	S	P	P		2, 20	
S									Electrical Generating Station			S		2	
P	P	P	P	P	P	P	P		Electrical Transmission Line	P	P	P		20	
P	P	P	P	P	P	P	P		Electrical Substation	P	P	P		1, 20	
P	P	P	P	P	P	P	P		Gas Regulator Station	P	P	P		1, 20	
P	P	P	P	P	P				Golf Course, Public	P	P	P		1	
S	S	S	S	S	S		S		Government Administration Facility	P	P	P		2, 20	
S	S	S		S	S		P		Library	P	P	P		2, 20	
S	S	S		S	S				Lodge, Fraternal, Sorority & Clubs	S	P	P		2	
							P		Museum	P	P	P		2, 20	
P	P	P	P	P	P	P	P		Park	P	P	P		1, 20	
S							S		Philanthropic and/or Charitable Use	P	P	P		2, 20	
S	S	S	S	S	S		S		Public Maintenance Building, Storage Yard	P	P	P		1, 3, 20	
P	P	P	P	P	P	P	P		Public Safety Facility, Police & Fire	P	P	P		1, 20	
P	P	P	P	P	P	P	P		Public Utility	P	P	P		20	
S	S	S	S	S	S	S	S		Religious Institution	P	P	P		1, 20	
P	P	P	P	P	P	P	P		Telephone Exchange, Switching or Relay	P	P	P		20	
<b>Educational Uses</b>															
									School, Business College	S	P	P		1	
									School, College or University	S	P	P		1	
									School, Commercial Instruction	S	P	P		1	

City of Mineola Land Use Table													
Residential Uses								Land Use Designations	Non-Residential				Special Conditions
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I		(See Sec. 3-2)
								School, Commercial Trade	S	P	P		1
P	P	P	P	P	P	P	P	School, Home					
S	S	S	S	S	S	P	P	School, Home Day					2
S								School, Institution, Rehabilitation & Training Center	P	P	P		1
P	P	P	P	P	P	P	P	School, Primary or Secondary	P	P	P		1, 20
								School, Vocational	P	P	P		1
Amusement and Entertainment Uses													
								Amusement Center, Indoor	S	P	P		1
								Amusement Center, Outdoor	S	S	S		1
P								Athletic Field & Play Field, Commercial	S	S	S		1, 20
							S	Auditorium	S	P	P		1
								Camp Ground & Related Facilities		S	S		1
P	P	P	P	P	P	P	P	Country Club	P	P	P		1, 20
S								Golf Course, Driving Range	S	S	S		1
								Golf Course, Miniature	S	P	P		1
P	P	P	P	P	P	P	P	Golf Course, Private	S	P	P		1, 20
								Go Cart Track and Other Vehicular Track or Facility			S		2, 3, 8, 9, 10, 12
								Gymnasium	S	S	S		2
								Movie Theater, Cineplex	S	P	P		2
								Private Club	P	P	P		4
S								Rodeo Ground/Fair Ground		S	S		2
								Shooting Range, Indoor	S	S	S		2,4
								Shooting Range, Outdoor			S		2,4
								Skating Rink, Indoor	S	P	P		2
								Stable, Commercial	S	S	P		2, 5, 6
P	P							Stable, Private	P	P	P		2, 5, 6
								Swimming Pool/Water Park Commercial	S	P	P		1, 17
	P	P	P	P	P			Swimming Pool, Private					1, 17
Medical Uses													

City of Mineola Land Use Table														
Residential Uses								Land Use Designations	Non-Residential				Special Conditions	
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I			(See Sec. 3-2)
							P	Clinic	P	P	P			20
								Hospital	S	P	P			1
								Laboratory, Medical and/or Dental	S	S	P			2
								Laboratory, Research		S	S			2
								Laboratory, Support	S	S	S			2
								Medical, Dental & Optical Retail Sales	P	P	P			
							P	Medical, Dental Office	P	P	P			20
								Medical Equipment Sales, Rental and Leasing Service	P	P	P			
	S	S		S	S	S	S	Nursing Home	P	P	P			2, 20
							P	Optician Shop	P	P	P			20
								Rehabilitation Care Facility (Criminal, Psychiatric, Mental Disorders and Substance Abuse)		S	S			2, 4
Automotive Uses														
								Auto Auction	S	S	P			2, 8
								Auto Car Wash	S	P	P			2
								Auto Impound Lot/Wrecker Business			S			2
								Auto Oil & Lube Shop	S	P	P			2
								Auto Paint & Body Shop		S	P			2, 3, 8, 9, 10
								Auto Parts & Accessory Sales	S	P	P			2
								Auto Rental (Car & Truck)	S	P	P			2, 3, 8, 9, 10
								Auto Repair Garage		P	P			2, 3, 9, 10
								Auto Sales, New & Used	S	P	P			2, 9, 8, 10
								Auto Service Station	S	P	P			2, 3, 8, 9, 10
								Auto Service Station, Light Maintenance	S	P	P			2
								Bus, Train, & Taxi Station or Terminal	S	S	S			2
								Farm Machinery & Implement Sales & Service	S	P	P			2, 8, 10
P	P	P	P	P	P	P		Garage, Private	P	P	P			20

City of Mineola Land Use Table														
Residential Uses								Land Use Designations	Non-Residential				Special Conditions	
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I		(See Sec. 3-2)	
									Garage, Public	S	P	P		2
									Heliport	S	S	P		1
									Helistop	S	P	P		1
									Motor Freight Terminal		S	S		1, 3, 10
									Motorcycle Sales	S	P	P		2, 3, 8, 9, 10
									Park and Ride Lots	S	S	S		2, 8, 10
									Parking Lot, Commercial (Auto)	S	S	S		2, 8, 10
									Parking Lot, Commercial (Truck)		S	S		2, 8, 10
									Recreational Vehicle Rental	S	S	P		1, 3, 8, 9, 10
									Recreational vehicle storage (commercial)	S	S	S		1, 3, 8, 10
									Recreational vehicle (Boat Storage)	S	S	S		1, 3, 10
Professional Uses														
									Accessory Banking	P	P	P		
									Bank, Savings and Loan Association, Financial Institution	P	P	P		
									Office, Business	P	P	P		
							P		Office, Professional	P	P	P		20
							P		Office, Real Estate Development Tract or Field Office	P	P	P		20
Commercial, Retail and Service Uses														
									Agricultural Processing Facility			P		
									Ambulance Service	P	P	P		
									Animal Grooming	P	P	P		
									Antique Shop	P	P	P		
									Apparel Alteration and Repair or Tailor Shop	P	P	P		
									Appliance Repair, Household	P	P	P		
									Art Gallery	P	P	P		
									Arts, Crafts and Hobby Shop	P	P	P		
									Auction House, Indoor	S	P	P		
									Bakery, Retail Confectionery	P	P	P		
									Bakery, Wholesale, Candy	P	P	P		

City of Mineola Land Use Table														
Residential Uses								Land Use Designations	Non-Residential					Special Conditions
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I			(See Sec. 3-2)
							P	Barber Shop, Beauty Salon, other Personal Shop	P	P	P			20
								Building Material Sales	S	S	P			1, 10
								Bear & Wine Retail Sales / Pre-Packaged Alcoholic Beverage Retail Sales (No Drive-Through)	P	P	P			21, 22
								Brewpub	P	P	P			21, 22
								Cabinet &/or Upholstery Shop	S	P	P			
								Catering Service	P	P	P			
								Collectibles Shop	P	P				
								Contractor, no Outside Storage Permitted	P	P	P			
								Contractor, Outside Storage Permitted	S	S	S			2, 10
								Contractor Storage or Equipment Yard		S	P			1,10
								Convenience Store, with or without Fuel Sales	P	P	P			1
								Copy Shop	P	P	P			
							P	Cosmetic Tattoo Establishment	P	P	P			1, 20
							P	Cottage Industry	P	P	P			20
							S	Day Care Center, Adult	P	P	P			2, 20
S	S	S					S	Day Care Center, Child	P	P	P			2, 7, 14, 20
S	S	S					S	Day Care, in the Home						2, 7, 14, 20
								Department Store	S	P	P			2
								Extended-Stay Hotel/Motel	S	P	P			
								Exterminating Service	S	P	P			2
								Factory Outlet, Retail or Wholesale Store	S	P	P			1
								Farmers Market, Outdoor		S	S			2, 10
								Fitness Studio	P	P	P			
S							S	Funeral Home, Mortuary	P	P	P			2, 20
								Furniture, Fixture & Appliance Store	P	P	P			
								Gift Shop including Florist	P	P	P			

City of Mineola Land Use Table														
Residential Uses								Land Use Designations	Non-Residential				Special Conditions	
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I		(See Sec. 3-2)	
									Greenhouse or Plant Nursery	S	P	P		2, 10
									Grocery Store	P	P	P		
									Hardware Store	P	P	P		
									Health Club, Recreation Facility	P	P	P		1
									Hobby Studio, Private	P	P	P		
									Hotel, Motel	P	P	P		
									Kennel	S	S	S		2, 3, 5, 6, 10
									Kiosk	S	P			
									Landscape Service	P	P	P		10
									Laundry, Dry Cleaning Full Service	P	P	P		
									Laundry, Dry Cleaning Pickup & Receiving Station	P	P	P		
									Laundry, Self Service	P	P	P		
									Liquor Store, Packaging Sales	P	P	P		4
									Lithography or Print Shop	P	P	P		
									Locksmith Shop	P	P	P		
									Machinery Sales or Repair	S	P	P		2, 10
									Manufactured or Industrialized Home Sales or Rental		S	S		2, 8, 10
							P		P	P	P		2, 20	
									Meat Market (includes Seafood)	P	P	P		
									Mobile Food Unit	P	P	P		
									Mobile Food Unit Park	S	S	S		2
									Music Store	P	P	P		
									Office Machine Sales & Service	P	P	P		
									Office Supply Store	P	P	P		
									Pawn Shop	P	P	P		
									Pet Shop	P	P	P		
							S		P	P	P		20	
									Photographic Equipment Sales & Service	P	P	P		
							S		P	P	P		2, 20	
									Radio, Television Studio	S	S	S		2

City of Mineola Land Use Table															
Residential Uses								Land Use Designations	Non-Residential				Special Conditions		
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I			(See Sec. 3-2)	
									Recycling Collection Center	S	S	P			2, 3, 10
									Rental Store	P	P	P			
									Rental Yard, Commercial & Heavy Equipment		S	P			2, 10
									Restaurant	P	P	P			
									Restaurant, Drive-in / Drive-thru	P	P	P			
									Restaurant, Refreshment Stand (Temporary or Seasonal)	P	P	P			
									Sexually Oriented Business			P			18
									Shoe Repair	P	P	P			
									Sign Shop, Painted or Silk-screened	P	P	P			
									Stone Monument Sales	S	S	P			3, 10
							P		Studio	P	P	P			
									Tanning Studio	P	P	P			
									Tattoo Parlor/Body Piercing Studio		S	S			2
									Tavern, Bars & Night Clubs	P	P	P			21, 22
									Taxidermist Studio	P	P	P			3
									Taxidermist Shop	S	S	P			2
S									Texas Winery	P	P	P			21
									Tobacco Shop	P	P	P			
									Video / Game Rental	P	P	P			
									Veterinary Hospital with Outside Pens		S	P			2, 5, 6
									Veterinary Hospital without Outside Pens	S	P	P			2
									Veterinarian Office, Small Animal Practice	P	P	P			1
									Veterinarian Office, Large Animal Practice	S	S	P			1, 5, 6
									Watch &/or Jewelry Sales & Repair	P	P	P			
Manufacturing and Industrial Uses															
									Assembly Plant			S			2, 10
									Bottling Works			S			2, 10



City of Mineola Land Use Table														
Residential Uses								Land Use Designations	Non-Residential				Special Conditions	
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU		C1	C2	I			(See Sec. 3-2)
								Building Materials Manufacturing			S			2, 10
								Dairy Processing						
								Electronics Manufacturing			S			2, 10
								Laundry, Dry Cleaning & Dyeing Plant including Diaper Service			S			2, 10
								Machine Shop		S	S			2, 10
								Manufacturing Facility (Light)			P			1, 10
								Meat Product Processing						
								Mini-warehouse		S	P			1, 13
								Natural Resources Mining			S			2
								Oil and Gas Wells			S			2
								Pharmaceutical Plant			S			2
								Plastic Products Manufacturing			S			2, 10
								Salvage Yard						
								Stockyard						
								Storage and Warehousing Establishment			S			2, 10
								Storage Yard			S			2
								Railroad Freight Terminal			S			2
<b>See Section 6-14 , Wireless Communication</b>								Telecommunications, Wireless Facility	<b>See Section 6-14, Wireless Communication</b>					
								Textile Manufacturing						1, 10
								Warehousing, Freight Office and or Storage		S	S			2, 8, 9, 10
								Welding or Machine Shop		S	P			1
<b>Accessory Uses</b>														
P	P	P	P	P	P	P	P	Accessory building						20
								Cargo Container	S	S	P			1
P	P	P	P	P	P	P	P	Construction Field Office	P	P	P			16

**Section 3-2 Special Conditions for Listed Uses**

**A. DESCRIPTION OF LAND USE TABLE CONDITIONS AND SPECIAL REGULATIONS**

The following describe conditions and special regulations for uses listed in the Permitted Use Table. Additional requirements may be added to these herein by the Planning and Zoning Commission or City Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Mineola. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met.

1. A site plan will be required in accordance with Section 6-1, Site Plan Requirements.
2. A site plan, in accordance with Section 6-1, Site Plan Requirements, will only be required in districts which require a Specific Use Permit.
3. All storage shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
4. May not be located within 300 feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
5. Any proposed stable or barn must be set back 150 feet from a residential property line. Only animals permitted within the corporate limits by the City Code will be permitted on site.
6. Pens, outdoor kennels, or animal runs must be located 150 feet from any residentially zoned property.
7. A copy of the State Certification of licensing or registration as described in Section 42.052 of Chapter 42 - Texas Human Resources Code must be provided to the City.
8. Shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles or the storage of vehicle parts.
9. All vehicles being stored for repair shall be screened from all public rights-of-way.
10. All equipment shall be stored and displayed on a hard all weather surface.
11. Accessory Dwelling / Garage Apartments are limited to a maximum of 500 square feet.
12. Any business which uses the operation of motor vehicles on site, such as go cart tracks, shall not be located within 500 feet from any residentially zoned property.
13. Mini-Warehouses
  - a. the principal access to the mini-warehouse complex shall be provided by an access drive of not less than twenty-four (24) feet in width;

- 
- b. the lot area used for mini-warehouse structures facing onto a public street shall not be greater than 100 feet in width including the access drive. The remainder of the lot devoted to the mini-warehouse use shall not face on any other public street;
  - c. the boundary of the mini-warehouse complex shall be screened by walls or other devices from any adjoining use that, in the opinion of the Council, is incompatible with the mini-warehouse use.
14. All child care centers shall comply with the following standards:
- a. All vehicular entrances and exits shall be clearly visible from the street.
  - b. All Passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
  - c. Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the City Council if the child care is provided for less than four (4) hours per day for an individual person.
  - d. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within one hundred (100) feet of the child care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
  - e. Street width shall be no less than 27 feet wide.
15. No outdoor sales, service, storage or repair.
16. Temporary permits for construction yards and field offices and special use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this ordinance or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.
17. Swimming Pools: It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.
- a. No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department's regulations.
  - b. A swimming pool may be constructed and operated when:
    - i. the pool is not located in any required front or side yard abutting a street;
    - ii. a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
    - iii. all lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the

enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible for adjacent properties;

- iv. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
  - v. the swimming pool is no closer than eight (8) feet from any property line.
18. Sexually Oriented Business. See *Section 12-12*, Display of Materials Harmful to Minors, of the Mineola Code of Ordinance for further requirements.
19. HUD Manufactured Homes shall also be permitted as set forth in *Section 5-3*, *HUD Manufactured Home Overlay District*.
20. A site plan shall be required for non-residential uses in the MU – Mixed Use District.
21. Must meet all the requirements as provided in Chapter 16 or the Texas Alcoholic beverage Code, more particularly Section 16.011.
22. Must meet all requirements set forth in Section 6-19, Alcoholic Beverage Regulations.
23. Bed and Breakfast, hosted, are subject to the following conditions:
- i. Additional parking of one space per guest bedroom will be required. Parking must be screened from view of adjacent residentially zoned property.
  - ii. Food service will be limited to overnight guests of the bed and breakfast establishment and shall be prepared on site, with the exception of receptions, retreats, teas and luncheons that may be catered.
  - iii. With the exception of the C1 and C2 districts, receptions, retreats, teas and luncheons are limited to no more than 50 guests.
  - iv. The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
  - v. A permanent, wired, smoke alarm system meeting all city codes must be installed.
  - vi. Signage is limited to one sign per bed and breakfast. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast and/or the owner's name.
23. Bed and Breakfast, Un-Hosted
- i. One parking space per bedroom unit shall be required; however, a minimum of two (2) parking spaces are required in any case. Parking must be screened from the view of adjacent residentially zoned properties.
  - ii. Food service will be limited to overnight guests of the bed and breakfast establishment and may or may not be prepared on-site.
  - iii. The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.

- iv. A permanent, wired, smoke alarm system meeting all city codes must be installed.
  - v. Signage is limited to one sign per bed and breakfast. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast and/or the owner's name.
24. Bed and Breakfast Retreat
- i. One parking space per bedroom unit shall be required plus one parking space for every 100 sq. ft. of meeting area; however, a minimum of two (2) parking spaces are required in any case. Parking must be screened from the view of adjacent residentially zoned properties.
  - ii. Food service will be limited to overnight guests and may or may not be prepared on-site.
  - iii. The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
  - iv. A permanent, wired, smoke alarm system meeting all city codes must be installed.
  - v. Signage is limited to one sign. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast retreat and/or the owner's name.

### Section 3-3 General Definitions

The following are general definitions that, when used in this ordinance, shall have the meaning respectively ascribed to them in this section, unless the context of this ordinance clearly indicates otherwise. These definitions do not include the definitions of uses as listed in the *Permitted Use Table, Section 3-1*. Definitions for uses listed in the Permitted Use Table are provided in *Section 3-4, Land Use Definitions and Explanations*. Definitions that pertain to other sections of this ordinance are provided in those specific sections.

**Abutting.** Shall mean to physically touch or border upon; or to share a common border, boundary, or property line but not to overlap.

**Adjacent.** Shall mean to be near or close to but not necessarily touching. Lot lines separated by a street, utility, drainage, railroad, or other public use right-of-way shall be considered to be adjacent.

**Accessory Structure.** The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the City Building Code as adopted by the City of Mineola.

**Administrative Official.** The individual charged with the administration and enforcement of this ordinance, or his duly authorized representative.

**Alley.** A public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

**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.

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

**Board.** The Board of Adjustment.

**Breezeway.** A covered passage one story in height and six feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

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

**Building Line.** A line parallel or approximately parallel to the street line at a specific distance there from marking the minimum distance from the street line that a building may be erected.

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

**City Council (Council).** The governing body of the City of Mineola, Texas.

**Court.** An open, unoccupied space bounded on three or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

**Density.** The number of dwelling units permitted per net acre of land. A net acre of land does not include portions of streets or alleys.

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

**Dwelling Unit.** A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters for one family and including facilities for food preparation and sleeping.

**Easement.** A grant of one or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**Family.** Any number of persons living together as a single non-profit housekeeping unit in which not more than four individuals are unrelated by blood, marriage, or adoption.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include five or more persons not within the second degree of kinship, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

**Fence.** An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than 70 percent open. A solid fence is one in which the vertical surface thereof is not greater than 30 percent open, and may be considered as a screening element. (See also Screening Element.)

**Flood Plain.** Any land area susceptible to being inundated by water from any source.

**Floodway.** The channel, river, or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

**Floor Area Ratio (FAR).** An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

**Glare.** A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

**Grade.** The average of the finished ground level at the center of all walls of a building. In cases where walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**Height.** The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- a. The highest point of the roof's surface if a flat surface;
- b. To the deck line of mansard roofs; or
- c. To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height.

- c. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

**Impervious Coverage.** Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

**Infrastructure.** The essential facilities such as water, sewers, streets, highways, public utilities, libraries, parks, police and fire services, and other facilities related to the protection of the health, safety, and general welfare.

**Landscaping.** Live plant material including grass, shrubs, trees, and flowering plants as required by *Section 6-12, Landscape Regulations*.

**Loading Space, Off-street.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**Lot.** A parcel of land, which is shown, on an approved plat recorded in the Wood County plat records.

**Lot Area.** The area of the horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection.

**Lot Coverage.** The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

**Lot Depth.** The horizontal mean distance between the midpoint of the front and the midpoint of the rear lot lines.

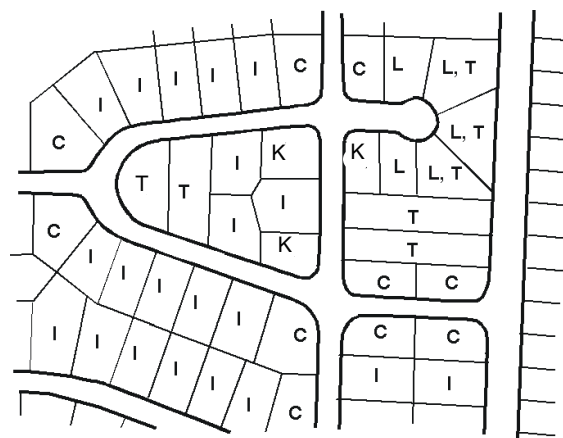
**Lot, Flag.** A lot with access provided to the bulk of the lot by means of a narrow corridor.

**Lot, Interior.** A lot that is other than a corner lot.

**Lot, Key.** A corner lot that has the rear yard of two or more adjacent lots abutting the side lot line of two or more of the side lots.

**Lot Lines.** The property lines bounding a lot as defined herein.

**Lot Line, Front.** The boundary between a lot and the street on which it fronts.



**Legend**  
 C Corner Lot  
 I Interior Lot  
 K Key Lot  
 T Through Lot  
 L Cul-de-Sac Lot



**Lot Line, Rear.** The boundary line not intersecting a front lot line which is most distant and most closely parallel to the front lot line.

**Lot Line, Side.** Any lot boundary line not a front or rear line thereof.

**Lot, Through.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. Such lot(s) shall provide a front yard on each street.

**Lot Width.** The width of a lot at the front building line.

**Main (Principal) Building.** The building or buildings on a lot which are occupied by the primary use.

**Masonry.** That form of construction composed of brick, stone, concrete, gypsum, hollow-clay tile, glass block, stucco or similar building units or materials or combination of these materials laid up unit by unit and set in mortar (Masonry does not include exterior insulated finish systems [EIFS]).

**Nonconforming Building.** A building which legally existed prior to the adoption, revision, or amendment of this ordinance but that does not meet the limitations on building size or location on a lot for the district in which the building is located, or for the use being made of the building.

**Nonconforming Lot.** A lot which was in compliance with applicable regulations prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the lot requirements for the district in which it is located.

**Nonconforming Use.** A use of land which legally existed at the time of the effective date of this ordinance, or subsequent amendments thereto, which does not conform to the use regulations of the district in which it is situated.

**Occupancy.** The use or intended use of the land or buildings by proprietors or tenants.

**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 projections of cornices, eaves or porches.

**Parking Space, Off-street.** For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be within any public street, alley, or right-of-way, and so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet for residential uses and 400 square feet for nonresidential uses; but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this ordinance are provided, maintained, and improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city. All required off-street parking spaces shall be provided and maintained

wholly within private property lines and not within any public highway, street or alley right-of-way.

**Planning and Zoning Commission (Commission).** The Planning and Zoning Commission of Mineola, Texas.

**Plat.** A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a final plat in this ordinance means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of Wood County.

**Premises.** Land together with any buildings or structures occupying all or any portion of the land.

**Private Drive, Street, or Place.** An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

**Property line.** (See lot line).

**Residence.** Same as a dwelling; also when used with the word "district," an area of residential regulations.

**Room.** A building or portion of a building, which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

**Screening Element/Device.** Screening element (device) or suitably screened as herein referred, shall mean any of the following:

Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or

Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition;

Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge or other dense planting material.

**Semi-trailer.** A vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

**Setback, Building.** The minimum horizontal distance between the front wall of any projection of the building (excluding steps) and the street line. (Same as Building line.)

**Special Exception.** A use that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, location, intensity, or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general

welfare. Such uses may be permitted as special exceptions by the Board of Adjustment, after public hearing thereon. See *Section 1-13, Board of Adjustment*.

**Specific Use.** The use of any building, structure, or land not specifically allowed by district regulations, but permitted as a specific use in accordance with *Section 6-2 Specific Use Permits*.

**Story.** That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level.

**Street.** A public way between two right-of-way lines (other than an alley or private drive) which has been dedicated or deeded to the public for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

**Street Line.** The right-of-way line of a street.

**Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the city building code.

**Thoroughfare.** Those public streets designated on the City of Mineola Thoroughfare Plan as "thoroughfares".

**Trailer.** A vehicle that is designed or used to carry a load wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

**Vehicle.** As used herein shall include motor vehicle, motorcycle, trailer and semi-trailer.

**Variance.** A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions or the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. See *Section 1-13, Board of Adjustment*.

**Yard, Front.** A yard across the full width of the lot extending from the building line to the front line of the lot abutting a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

**Yard, Rear.** A yard between the rear lot line and the rear line of the main building and the side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

**Yard, Side.** A yard between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

**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.

### **Section 3-4 Land Use Definitions and Explanations**

The following definitions and explanatory notes supplement, restrict, and define the meaning and intent of the uses listed in *Section 3-1, Permitted Use Table*.

**Accessory Dwelling/Garage Apartment.** A secondary dwelling unit established in conjunction with, and clearly subordinate to, a primary dwelling unit, whether a part of the same structure as the primary structure, a detached dwelling unit on the same lot or a part of a detached garage.

**Accessory Building.** Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial purposes.

**Accessory Banking.** A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind.

**Agricultural Processing Facility.** A facility that conducts a series of operations taken to change agricultural products into food products. Products can be for human or animal consumption. This facility does not include animal; processing facilities.

**Agricultural Use.** The use of a parcel of land for farming or ranching and shall include the structures that are normally associated with agricultural uses. However, this use shall not include commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, rat, or other fur bearing animal farms, or the farming of swine or exotic animals.

**Airport, Public/Private.** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all appurtenant areas and facilities intended for airport use including the housing and maintenance of aircraft.

**Ambulance Service.** An establishment which provides ambulatory transport of persons, to or from a medical facility, for a fee.

**Amusement Center, Indoor.** A facility providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facility may include coin operated machines utilizing balls, pins, and baskets, video equipment, and pinball. Other equipment may include skill games such as pool, billiards, bowling, shuffle board, darts, and batting cages. Any combination of these games may be used in the facility. Games of wagering and chance, including 8-liners, categorized as gambling are prohibited and not included in this use.

**Amusement Center, Outdoor.** An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

**Animal Grooming.** An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

**Animal Pound, Shelter.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Antique Shop.** An establishment offering for sale 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 arranged, designed, or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

**Apparel Alteration and Repair or Tailor Shop.** An establishment offering individual alteration, repair, or creation of clothing apparel to the public.

**Appliance Repair, Household.** A shop specializing in repair of household appliances.

**Art Gallery.** An establishment offering works of art for viewing and sale to the general public.

**Arts, Crafts, and Hobby Shop.** An establishment offering for sale those items commonly associated with hobbies, including display areas for hobbies.

**Assembly Hall.** A building and associated facilities dedicated to social or recreational activities serving the city or a neighborhood.

**Assembly Plant.** A facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

**Athletic Field and Play Field, Commercial.** An athletic field or stadium owned and operated privately, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

**Athletic Field and Play Field, Public.** An athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

**Auction House, Indoor.** A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

**Auditorium.** A large building and associated facilities for gathering an audience for speeches and performances.

**Auto Auction.** An enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

**Auto Car Wash.** An area and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Auto Impound Lot/Wrecker Business.** An establishment offering the services of towing, impounding, and temporary storage of vehicles which have either been in an accident or are illegally parked.

**Auto Paint and Body Shop.** An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans, and repairing and replacing the upholstery of such vehicles.

**Auto Parts and Accessory Sales.** An automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

**Auto Rental (Car and Truck).** An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers.

**Auto Repair Garage.** An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage allowed but no outside repair or maintenance conducted.

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

**Auto Service Station.** An establishment for the retail sales of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services, in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

**Auto Service Station, Light Maintenance.** A premise where gasoline and other petroleum products are sold and / or light maintenance activities such as engine tune-ups,

lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include automobile inspection services, but shall not include areas where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**Bakery, Retail Confectionery.** A shop offering for sale on premises those baked goods or candies made on premises or off premises. No production for off premise sale is allowed.

**Bakery, Wholesale Candy.** A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

**Bank, Savings and Loan Association, Financial Institution.** A building or premise offering banking, savings and loan, and other financial services, not including pawn shops as herein defined.

**Barber Shop, Beauty Salon, and other Personal Shop.** An establishment which provides personal services including hair cuts, perms, color treatments, manicures, pedicures, and other personal beauty services.

**Bed and Breakfast, hosted:** An owner occupied private home that is used for transient lodging for paying guests. The length of stay is limited to not more than fourteen (14) consecutive days. Meal service is prepared and served on-site and is limited to breakfast for overnight guests only, at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms.

**Bed and Breakfast, unhosted:** A dwelling unit that is used for transient lodging for paying guests. The length of stay is limited to not more than fourteen (14) consecutive days. Meal service is limited to breakfast and may be offered on or off site and is for overnight paying guests only at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms, but are permitted in an area dedicated to kitchen uses.

**Bed and Breakfast Retreat:** A owner occupied private home that is used for lodging, conference, and workshop purposes for paying guests. Such facilities provides limited meeting space for conferences and workshops. The length of stay is limited to not more than seven (7) consecutive days. Meal service may include meals normally provided throughout the day and may or may not be prepared and served on site. Cooking and cooking facilities are prohibited in guestrooms.

**Boarding House.** A building other than a hotel, where lodging and meals for five or more persons, not members of the principal family therein, are served for compensation.

**Bottling Works.** A facility for the bottling of products for off-site retail sales.

**Building Materials Manufacturing.** A facility for the production of building materials which include fiberglass, wallboard, shingles, etc.

**Building Material Sales.** A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

**Bus, Train, and Taxi Station or Terminal.** A facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

**Cabinet and/or Upholstery Shop.** A shop for the assembly of cabinetry for domestic use and furniture repairing, refinishing, and upholstery.

**Camp Ground and Related Facilities.** An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, tents, or other temporary dwellings for dwelling, lodging, or sleeping purposes. The use may also include cooking facilities, bathhouses, and recreation areas. This does not include a manufactured housing community.

**Caretaker, Guard, Servant Residence or Apartment Garage.** A residence located on a premise with a main non-residential or residential use occupied only by an employee of the principal use, and serviced through the same utility meters or connections as the principal use to which it is accessory. Manufactured homes are not permitted for this use.

**Cargo Container.** A standardized, reusable vessel that is or appears to be:

- a. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or
- b. Designed for or capable of being mounted or moved on a rail car, and/or
- c. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Catering Service.** A facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.

**Cemetery, Mausoleum, Crematorium.** An area or structure designed to contain the remains of humans or animals for permanent interment.

**Clinic.** A public or private, profit or non-profit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped, or otherwise in need of physical or mental diagnosis, treatment, care, or similar service.

**Collectibles Shop.** A retail establishment offering such collectible items as sports trading cards, comic books, and stuffed animals for sale to the general public.

**Community Center.** A building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the city, or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

**Community Home for the Disabled.** A home that where not more than six persons, regardless of the legal relationship to one another, with disabilities and two supervisors reside and are provided with services consisting of food and shelter, personal guidance, care, habilitation services and supervision, in accordance with Chapter 123 of the Texas Human Resources Code.

**Construction Field Office.** A mobile home, travel trailer, truck trailer, and/or other structure used as an office in conjunction with a construction project.



**Contractor, No Outside Storage Permitted.** A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage permitted.

**Contractor, Outside Storage Permitted.** A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

**Contractors Storage or Equipment Yard.** An area located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

**Convenience Store, With or Without Fuel Sales.** A premise where gasoline and/or other petroleum products are sold as a principal use, and in connection with the principal use, a convenience store offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

**Convent, Rectory, Monastery.** The building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

**Copy Shop.** A small commercial printing shop, which sells on-site, most of the items printed, along with associated items.

**Cosmetic Tattoo Establishment.** An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

**Cottage Industry.** A small, individual owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

**Country Club.** An area containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable state statutes), dining room, swimming pool, tennis courts, and similar recreational or service activities.

**Dairy Processing.** A commercial plant for the storage and processing of milk and milk products.

**Day Care Center, Adult.** An agency at which six or more disabled or elderly adults not related to the proprietor, are left for care for a part of the 24 hours of the day.

**Day Care Center, Child.** An agency at which four or more children, under the age of 16 and not related to the proprietor, are left for care for a part of the 24 hours of the day.

**Day Care, in the Home.** A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than four children, excluding children of the adult provider.

**Department Store.** A store offering a variety of comparison and consumptive goods at retail price to the general public.

**Dwelling, Assisted Living Facility.** A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the State of Texas as "supervised living".

**Dwelling, Industrialized Housing.** A detached residential building that is designed for the use and occupancy of one family, that is constructed in one or more modules or constructed using one or more modular components, built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term does not include any residential structure that is in excess of three (3) stories or forty- nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (1) housing constructed of sectional or panelized systems not utilizing modular components; or (2) any ready-made home which is constructed so that the entire living area is contained in a single unit or section, at a temporary location for the purpose of selling it and moving it to another location.

**Dwelling, Manufactured Housing or Mobile Home.** Shall be defined and differentiated by the following:

**HUD-Code Manufactured Home.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, 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.** A structure that was constructed before June 15, 1976, 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.

**Dwelling, Multifamily.** A residential building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Patio (Garden) Home.** A detached, single-family unit typically situated on a reduced-size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

**Dwelling, Rectory and Monastery.** The permanent place of residence of the pastor or minister of a church, or for monks or other religious orders.

**Dwelling, Single Family Attached.** An attached residential building, not including a mobile home or HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

**Dwelling, Single Family Detached.** A detached residential building, not including a mobile home or a HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

**Dwelling, Guesthouse.** A residential dwelling, which may include living, sleeping, bathing, and kitchen facilities but is secondary to the main dwelling structure and is used solely for habitation of guests on a temporary basis and at no compensation.

**Dwelling, Two-family.** A residential building containing two dwelling units, also referred to as duplex.

**Electrical Generating Station.** A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

**Electrical Sub-Station.** A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

**Electrical Transmission Line.** A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

**Electronics Manufacturing.** A facility for the production of printed circuit boards, microchips, and other electronic parts which may be assembled on site into end products such as computers, televisions, radios, and communication equipment.

**Extended-Stay Hotel/Motel.** Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens.

**Exterminating Service.** A business providing extermination services for household pests, including insects and rodents.

**Factory Outlet, Retail or Wholesale Store.** An establishment that offers goods and products to the public that are obtained directly from the manufacturer at prices that reflect savings due to the reduced cost of said direct distribution.

**Farm Machinery and Implement Sales and Service.** An enclosed area designed for sales and repair of farm machinery.

**Farmer's Market.** The offering for sale of fresh agricultural products directly to the consumer at an open air market.

**Fitness Studio.** A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Fitness studio may include passive exercise equipment (motorized equipment which does not require physical exertion) but exclude equipment or apparatus used for weight control or muscle building, and shall exclude massage in any form.

**Funeral Home, Mortuary.** A building or part thereof used for human funeral services. Such building may contain space and facilities for cremation facilities, embalming, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Furniture, Fixture, and Appliance Store.** A retail establishment offering home furnishings, fixtures, and appliances to the general public.

**Garage, Private.** An enclosed accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles and recreational vehicles, owned and used by the owners or tenants of the premises.

**Garage, Public.** A building or portion thereof, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use. Facilities for washing may be provided.

**Garage, Repair.** A building or space for the repair or maintenance of motor vehicles, not including factory assembly of vehicles, auto wrecking establishments, or junkyards.

**Gas Regulator Station.** A station used to regulate the flow or pressure of gas in a pipeline.

**Gift Shop, Including Florist.** A shop offering gifts, souvenirs, and associated products for sale.

**Golf Course, Driving Range.** An establishment offering areas for driving of golf balls including "pitch and putt" facilities.

**Golf Course, Miniature.** An establishment offering facilities for miniature golf.

**Golf Course, Private.** Grounds and facilities used in the playing of the game golf, for use by private membership.

**Golf Course, Public.** Grounds and facilities used in the playing of the game golf, privately owned but open to the public for a fee and operated as a commercial venture.

**Go Cart Track and Other Motor Vehicle Track or Facility.** A private, commercial enterprise offering outdoor go-cart tracks to the general public for a fee or charge. A go-cart is a non-licensed motorized low horsepower vehicle powered by either a gas or electrical motor to be used for the purpose of entertainment, generally having the capacity of one driver/operator. Does not include remote control vehicles.

**Governmental Administration Facility.** A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

**Greenhouse or Plant Nursery.** An establishment operated for commercial purposes, offering plants grown on premises and off premises and associated products for sale for use in connection with home gardening activities.

**Grocery Store.** A retail store primarily engaged in the retail sales of all sorts of canned goods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

**Group Home for the Disabled or Disadvantaged.** A dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents, with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

As used herein, the term "disabled" shall mean having (1) a physical or mental impairment that substantially limits one or more of the person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "disabled" shall not include current illegal use of or addiction to controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the disabled" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

**Gymnasium.** A building or room used for physical education and sports, which may be equipped with gymnastic or other sports-related equipment and that may have seating in which spectators may view sports activities.

**Hardware Store.** An establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.

**Health Club, Recreation Facility.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

**Heliport.** A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

**Helistop.** A landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

**Hobby Studio, Private.** An accessory activity area used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

**Home Occupation.** An occupation customarily conducted for gain or support entirely within a dwelling by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof.

**Hospital.** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Hospitals may include supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff, and visitors.

**Hotel, Motel.** A building or portion thereof in which ten or more guest rooms are provided for occupancy for compensation by transient guests.

**Kennel.** A lot or premises on which four or more dogs, cats or other domestic animals at least four months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

**Kiosk.** A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted, or a freestanding building with one or more open sides from which commercial activities are conducted.

**Laboratory, Medical and/or Dental.** A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

**Laboratory, Research.** A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

**Laboratory, Support.** A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

**Landscape Service.** A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements necessary to support or sustain the landscaped surface of the ground.

**Laundry, Dry-Cleaning Full Service.** A retail establishment providing full service laundry and dry-cleaning services to the general public.

**Laundry, Dry-Cleaning Pickup and Receiving Station.** A retail establishment that provides a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry-cleaning and pick up of items when laundered and/or dry-cleaned.

**Laundry, Dry Cleaning and Dying Plant Including Diaper Service.** A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersion only, in volatile solvents including, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and processes incidental thereto.

**Laundry, Dry-Cleaning Self Service.** A retail establishment providing facilities for customers to launder or dry-clean wearing apparel or other materials.

**Liquor Store, Packaging Sales.** An establishment for the sales of prepackaged spirits, including beer and wine, with no on-premise consumption.

**Library.** Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book and other media collections.

**Lithography or Print Shop.** A large commercial printing shop with multiple presses and capabilities.

**Locksmith Shop.** A shop that specializes in making, selling, and repairing keys, locks, and associated material.

**Lodge, Fraternal, Sorority, and Clubs.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

**Machine Shop.** A shop that manufactures metal products through the use of presses, stamps, and dyes.

**Machinery Sales or Repair.** A facility for the storage, repair, outside sales, or rental of heavy machinery or equipment.

**Manufactured Housing Park or Subdivision.** A parcel of land developed for rental or sale of lots for the installation for residential uses of HUD Code manufactured Housing. Manufactured Housing Park may also be referred to as Mobile Home Park.

**Manufactured or Industrialized Housing Sales or Rental.** An area devoted to outside sales or rental of HUD-Code manufactured homes or industrialized housing. For off premise residential use only.

**Manufacturing Facility (Light).** A facility used for sub-assembly or assembly of sub-assemblies for industrial purposes, and may conduct manufacturing that does not emit noise, odor, dust, or other hazards.

**Massage Studio.** A facility in which the primary use is for conducting massage therapy or other massage services. The facility and anyone performing massage therapy or other massage services in the facility must hold the appropriate license (unless exempt under the requirements of the Texas Occupations Code Chapter 455)

**Massage Therapy.** The manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. The terms "massage," "therapeutic massage," "massage technology," "myotherapy," "body massage," "body rub," or any derivation of those terms are synonyms for "massage therapy."

**Other Massage Services.** Any services offered or performed for compensation at a massage establishment that involve physical contact with a client, and may include the use of oil, lubricant, salt glow, a heat lamp, a hot and cold pack, or a tub, shower, jacuzzi, sauna, steam, or cabinet bath."

**Meat Market.** A retail facility that offers meat, fish, and poultry products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

**Meat Product Processing.** A facility for processing cuts of meat from off-site into finished products.

**Medical, Dental, and Optical Retail Sales.** An establishment offering prescription and over the counter products for sale.

**Medical, Dental Office.** Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

**Medical Equipment Sales, Rental, and Leasing Service.** An establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

**Mini-Warehouse.** A building or group of buildings in a controlled access and fenced compound consisting of varying sized of individual, compartmentalized, and controlled access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

**Mobile Food Unit.** Vehicles that are designed to be readily moveable from which food is sold or served. The term includes but is not limited to, a commercially manufactured vehicle that was originally manufactured for use a food preparation vehicle.

**Mobile Food Unit Park.** Locations designated for the operation of two or more Mobile Food Units.



**Motorcycle Sales.** The display and sale of motorcycles.

**Motor Freight Terminal.** A facility with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air.

**Movie Theater, Cineplex.** Complex structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

**Museum.** An institution for the collection, display, and distribution of objects of art or science which is sponsored by or owned and operated by the city, a public or quasi-public agency, and which facility is open to the general public.

**Music Store.** An establishment offering music, musical instruments, and other related items for sale to the general public. Such establishment may offer repair services of musical instruments.

**Nursing Home.** A structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

**Natural Resources Mining.** The development or extraction of a mineral from its natural occurrences on affected land.

**Office, Business.** An office in which chattels or goods, wares, or merchandise are not commercially displayed, created, sold, or exchanged.

**Office Machine Sales and Service.** A shop specializing in the sale and repair of office machinery.

**Office, Professional.** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. Including but not limited to insurance broker, public stenographers, real estate broker, stock broker, doctor, dentist, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

**Office, Real Estate Development Tract or Field Office.** A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

**Office Supply Store.** A store that specializes in office supplies.

**Oil and Gas Wells.** A hole or shaft sunk into the earth to tap an underground supply of oil or gas.

**Oil & Lube Shop.** Operations that provide lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that

these services will be provided while customers wait, generally within a 20 to 30-minute time period.

**Optician Shop.** A shop that manufactures optical devices, especially eyeglasses.

**Park.** Public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking Area.** An area for the driving, parking, display, or storage of motor vehicles.

**Parking Lot, Commercial (Auto).** A structure or lot devoted to the temporary parking of automobiles for a fee.

**Parking Lot, Commercial (Truck).** A facility for temporary parking of currently commercial licensed trucks in excess of one ton, for a fee.

**Park and Ride Lot.** The temporary storage of automobiles on a daily basis for persons traveling together to and from work either through carpools, van-pools, bus-pools or mass transit.

**Pawn Shop.** A shop specializing in making small loans against personal property or buying used personal goods from individuals.

**Pet Shop.** A shop offering small animals for sale, with associated goods and services.

**Pharmaceutical Plant.** A facility for the production of drugs for medicine.

**Pharmacy.** An establishment offering prescription and over the counter pharmaceuticals and other associated products for sale to the public.

**Philanthropic and/or Charitable Use.** A nonprofit organization supported mainly by charity and whose principal function is the performance of charitable work.

**Photographic Equipment Sales and Service.** A shop that specializes in the sale and repair of photographic equipment.

**Photographic Service.** An establishment offering drop-off of film for processing, pickup of developed photographs, and related services.

**Plastic Products Manufacturing.** A facility for the production of molded products constructed out of plastic, fiberglass, or other composite material.

**Private Club.** An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons, and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of private clubs.

**Public Maintenance Building, Storage Yard.** A structure or yard that is used for storage of equipment, materials, or other property and that is owned and maintained by a governmental entity.

**Public Safety Facility, Police and Fire.** A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

**Public Utility.** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

**Radio, Television Studio.** A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or pre-recorded materials for any part of the radio spectrum for commercial consumption.

**Radio Transmission or Receiving Facility.** A structure or structures supporting antennas and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum including wireless communication facilities, but excluding non-commercial antenna installations for home use of radio or television.

**Railroad Freight Terminal.** A facility for the assembly or storage of freight to or from rail cars.

**Recreational Vehicle Rental.** An establishment offering recreational vehicles, including watercraft, for rent to the general public. Said facility may display, store, and maintain said vehicles on site solely for the purpose of renting said vehicles. No short or long term habitation of any recreational vehicle, including watercraft, is permitted on the site. In addition, no manufacture or repair, with the exception of light maintenance, occurs on the site.

**Recreational Vehicle Storage (Commercial).** A facility or location which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

**Recreational Vehicle Storage (Boat Storage).** A facility or location which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

**Recycling Collection Center.** A building in which used materials such as newspapers, glassware, and metal cans are separated and processed prior to shipment to others who will use those materials to manufacture new products.

**Rehabilitation Care Facility (Criminal, Psychiatric, Mental Disorders and Substance Abuse).** A facility whose primary purpose is to provide residential and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

**Religious Institution.** Facilities in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or propagating a particular form of religious belief.

**Rental Store.** An establishment that provides equipment and goods for rent by the general public to be used off site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

**Rental Yard, Commercial and Heavy Equipment.** An establishment that provides heavy equipment for rent to contractors or the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure, or it may be displayed and stored outside of the primary structure. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

**Restaurant, Without Alcohol Sales.** A business establishment whose principal business is the selling of un-packaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Such use includes cafés, lunchrooms, and tea rooms.

**Restaurant, Drive-In / Drive-Thru.** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**Restaurant, Refreshment Stand (Temporary or Seasonal).** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

**Rodeo Ground/Fair Ground.** An outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens, and facilities for the caring and presentation of livestock, and open area for exhibits and carnival activities.

**RV Park.** Also known as Recreational Vehicle Park, is a facility providing spaces or berths for rent or lease on a temporary short term basis for the purpose of parking recreational vehicles while they are being inhabited.

**Salvage Yard.** An area for salvage of metals, and/or other fabricated products, which may include a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

**School, Business College.** A facility that provides a curriculum limited to the teaching of office and business practices and skills.

**School, College, or University.** An academic institution of higher learning that is accredited or recognized by the State and that offers a program, or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

**School, Commercial Instruction.** A facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

**School, Commercial 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 manual trades.

**School, Home.** Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

**School, Home Day.** Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than 6 unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed 12 at any given time.

**School, Institution, Rehabilitation, and Training Center.** A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

**School, Primary or Secondary.** A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**School, Vocational.** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements of a vocational facility.

**Sexually Oriented Business.** An adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**Shoe Repair.** An establishment offering shoe repair service to the general public.

**Shooting Range, Indoor.** A facility designed or used for shooting at targets with firearms and which is completely enclosed within a building.

**Shooting Range, Outdoor.** The use of land for the discharging of firearms for purposes of target practice.

**Sign Shop, Painted or Silk-screened.** A retail business offering signs and banners for sale.

**Skating Rink.** An establishment that provides facilities for participant ice or roller-skating.

**Stable, Commercial.** A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire, including a riding track.

**Stable, Private.** A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale.

**Stockyard.** An area designed to receive and transfer large quantities of livestock, containing a number of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

**Stone Monument Sales.** A retail establishment offering for sale stone monuments produced off-premises, excluding cutting of slabs.

**Storage and Warehousing Establishment.** A facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. Said facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semi-trailer vehicles.

**Storage Yard.** Facilities to store any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials outside at ground level.

**Studio.** A facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium or dance hall.

**Swimming Pool, Water Park, Commercial.** A swimming pool and accessory facilities not part of the municipal or public recreation system, and not a private swim club, but where the facilities are available to the general public for a fee.

**Swimming Pool, Private.** A swimming pool and accessory facilities constructed for the exclusive use of the proprietor, when located in other than the minimum front yard.

**Tanning Studio.** Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

**Tattoo Parlor/Body Piercing Studio.** An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Tavern, Bars and Night Clubs.** An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

**Taxidermist Studio.** A retail establishment offering for sale to the public the products produced by a taxidermist at a separate location.

**Taxidermist Shop.** An establishment offering the services of taxidermy.

**Telecommunications, Wireless Facility.** A facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Includes Personal Wireless Services as defined in the federal Telecommunications Act of 1996, and as subsequently amended, but shall not include the following: federally-licensed amateur radio stations and facilities used exclusively for receive-only antennas.

**Telephone Exchange, Switching, or Relay.** A facility for the exchange, switching, relaying, or transmission of telephone services, not including public office facilities, storage, or repair facilities.

**Textile Manufacturing.** Includes knitting, weaving, printing, and finishing of textiles and fibers into fabric goods

**Tobacco Shop.** A retail establishment offering for sale to the public tobacco products and accessories.

**Veterinary Hospital With Outside Pens.** An office and clinic of a doctor of veterinary medicine for small domestic animal practice, including outside treatment pens.

**Veterinary Hospital Without Outside Pens.** An office and clinic of a doctor of veterinary medicine for small domestic animal practice, without outside treatment pens.

**Veterinarian Office, Large Animal Practice.** The offices of a doctor of veterinary medicine with on site treatment of large domestic animals, which may consist of livestock and/or other farm animals and may include outside treatment pens, shelters, or barns.

**Veterinarian Office, Small Animal Practice.** The offices of a doctor of veterinary medicine with on site treatment of small domestic animals, which consist primarily of household pets and animals that are not sheltered in pens or barns (excluding dog runs and pens).

**Video/Game Rental.** A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

**Watch and/or Jewelry Sales and Repair.** An establishment offering watches and jewelry for sale to the public, and offering repair services for jewelry, watches, and similar items.

**Warehousing and Freight Office and Storage.** A use engaged in storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Welding or Machine Shop.** A facility for the machining and welding of metals, not including forging or structural welding.

## Article 4 - Zoning Districts

### Section 4-1 AG - Agricultural District

#### A. GENERAL PURPOSE AND DESCRIPTION

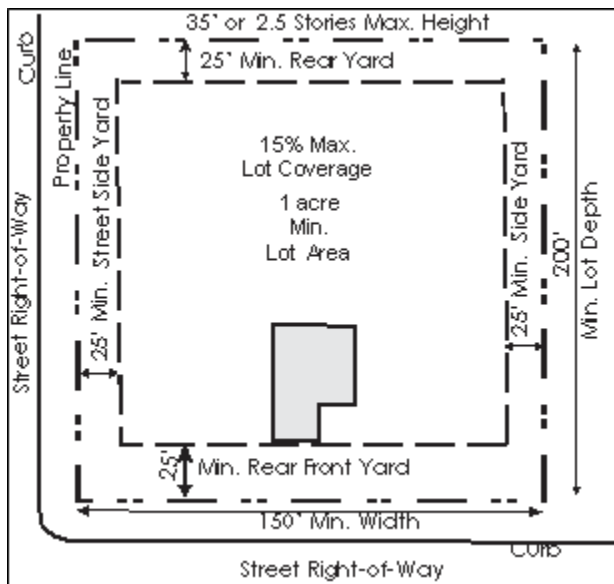
The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

#### B. PERMITTED USES

In the “AG” – Agricultural District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with *Section 3-1, Use of Land and Buildings*.

#### C. AREA REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the AG Zoning District (below).



AG – Zoning District Area Requirements	
Minimum Lot Area	1 acres
Minimum Lot Width	150 ft.
Minimum Lot Depth	200 ft.
Minimum Street Yard	25 ft. Front Street 25 ft. Side Street
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	15 %
Maximum Building Height	35 ft. or 2 1/2 stories

#### D. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.



**Section 4-2 SF-12 - Single Family Residential District**

**A. GENERAL PURPOSE AND DESCRIPTION**

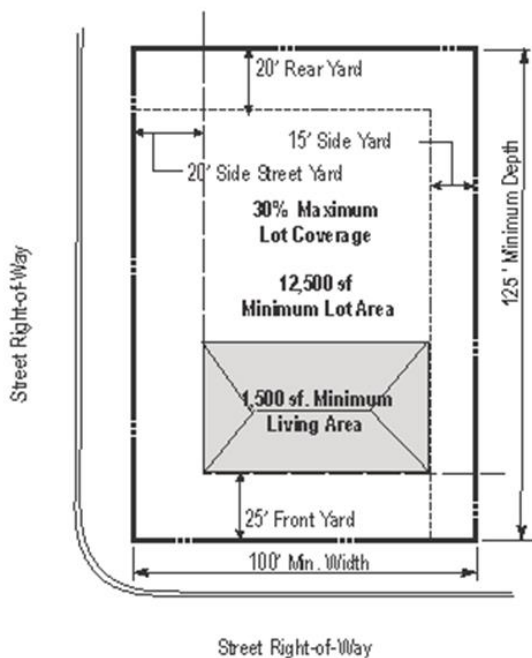
The SF-12, Single Family Residential District is designed to accommodate single family residential development on large lots. The district can be appropriately located in proximity to agricultural and lower density single family residential uses.

**B. PERMITTED USES**

In the SF-12 – Single Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with *Section 3-1, Use of Land and Buildings*.

**C. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the SF-12 Zoning District (below).



SF-12 – Zoning District Area Requirements	
Minimum Lot Area	12,500 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	125 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	15 ft. Interior 20 ft. Street
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	30 %
Minimum Living Area	1,500 sf
Maximum Building Height	35 ft. or 2 1/2 stories

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

**E. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**Section 4-3 SF-7 - Single Family Residential District**

**A. GENERAL PURPOSE AND DESCRIPTION**

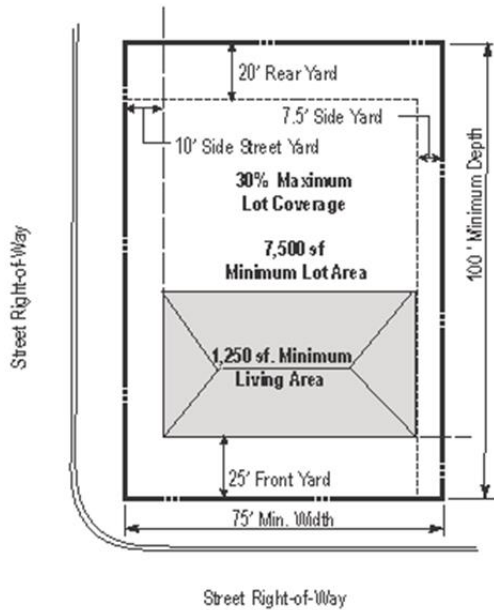
The SF7, Single Family Residential District is designed to accommodate the standard single family residential development. The district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses. Densities in this district will not usually exceed four (4) units per gross acre.

**B. PERMITTED USES**

In the SF-7 - Single Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with *Section 3-1, Use of Land and Buildings*.

**C. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the SF-7 Zoning District (below).



<b>SF-7 – Zoning District Area Requirements</b>	
Minimum Lot Area	7,500 sq. ft
Minimum Lot Width	75 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	7.5 ft. Interior 10 ft. Street
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	30 %
Minimum Living Area	1,250 sf
Maximum Building Height	35 ft. or 2 1/2 stories

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6.7, Off Street Parking and Loading Requirements*.

**E. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**Section 4-4 MD - Medium Density Residential District**

**A. PURPOSE**

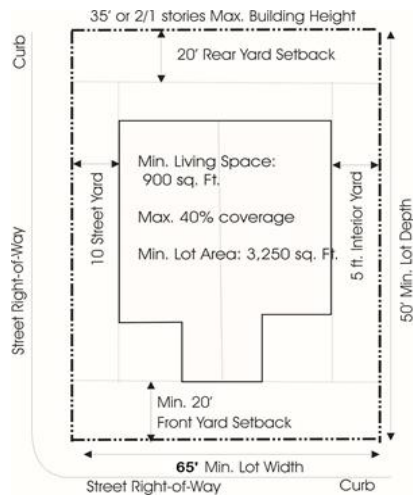
The MD, Medium-Density Residential District, is established to provide adequate space for medium-density, two-family, duplex-type residential development, promoting a population density of almost twice that of a typical single-family development.

**B. PERMITTED USES**

In the MD – Medium Density Residential – Duplex District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with *Section 3-1, Use of Land and Buildings*.

**C. HEIGHT AND AREA REGULATIONS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the MD Zoning District (below).



<b>MD – Zoning District Area Requirements</b>	
Minimum Lot Area/DU	3,250 sq. ft
Minimum Lot Width	65 ft.
Minimum Lot Depth	50 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	5 ft. Interior 10 ft. Street
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	40 %
Minimum Living Area	900 sf per dwelling
Maximum Building Height	35 ft. or 2 1/2 stories

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

**E. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**Section 4-5****MU – Mixed Use District****A. GENERAL PURPOSE AND DESCRIPTION**

The purpose of the Mixed Use District is to provide flexibility in land uses and regulations within older, existing neighborhoods. This district will encourage the continuance of the character of the the existing neighborhood while permitting a variety of compatible residential and commercial uses. Consistent with the City's Comprehensive Plan, this district may be used as a "buffer" district between older residential areas and nonresidential districts.

**B. PERMITTED USES**

In the MU – Mixed Use District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with *Section 3-1, Use of Land and Buildings*.

**C. CONCEPTUAL DEVELOPMENT PLAN APPROVAL**

A request for zoning change to the MU – Mixed Use Zoning Ddistrict shall be accompanied by a Development Plan, according to *Section 5-1, D, Conceptual and Development Plan*.

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Except as stated below, off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

1. Non-residential uses shall locate parking areas on the side or in the rear of the lot.
2. Parking spaces may be adjusted to meet the unique design criteria of the development upon justification provided on the site plan.

**E. SCREENING AND BUFFER REQUIREMENTS**

In addition to requirements as stated below, screening and buffer requirements shall conform to the provisions of *Section 6-9, Screening and Buffer Requirements*.

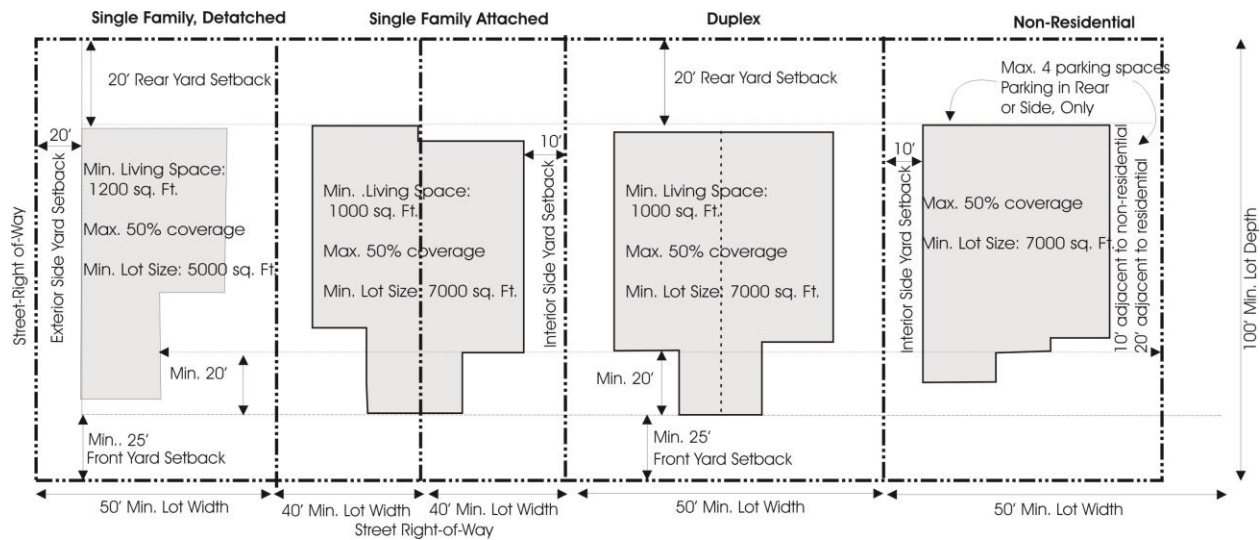
When a boundary of a non-residential use sides or backs upon a residential use, a solid screening wall or fence of not more than six (6) feet and not less than four (4) feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

**F. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**G. GARDEN (PATIO) HOME OPTION**

Garden (Patio) Homes may be developed as an optional use in accordance with *Section 6-15, Garden (Patio) Homes*.



**Area Requirements Illustration**

**H. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table and illustration for the MU Zoning District, unless otherwise provided on the Site Plan and approved by the City Council upon recommendation by the Planning and Zoning Commission.

**I. DESIGN REQUIREMENTS**

The design of new construction shall be compatible with surrounding properties including, but not limited to, design features such as scale, architectural style and building materials. All new construction shall conform to the following:

<b>MU – Zoning District Area Requirements Table</b>	
Minimum Lot Area Single Family Duplex/Attached Single Family/ Commercial	5,000 sq. ft. 7,000 sq. ft.
Minimum Lot Width Attached Single Family	50' ft. 40'
Minimum Lot Depth	100' ft.
Minimum Street Yard	25 ft. Front Street 20 ft. Side Street
Min. - Building Line to Garage	20'
Minimum Side Yard Attached Single Family Non-Residential	10 ft. Interior Yard 20' Exterior Side Yard None: Common wall property line 20' Adj. Residential 10' Adj. Non-Residential
Minimum Rear Yard	20 ft
Maximum Lot Coverage	50 %
Minimum Living Area Single Family Duplex/Attached Single Family	1,200 sq. ft. 1,000 sq. ft.
Maximum Building Height	35 ft. or 2 1/2 stories

1. **Exterior Construction:** No exterior of any primary structure shall be of exposed metal surface or of non-decorative concrete block construction. Exterior construction that incorporates exposed metal or non-decorative concrete block construction may be permitted with a Special Exception if such construction is an integral element of a particular architectural design feature and can be demonstrated that such construction uniquely adds value and quality to the neighborhood.
2. **Landscaping:** Except as stated below, landscaping requirements shall conform to the provisions of *Section 6-12, Landscaping Requirements*. In addition to landscaping requirements in *Section 6-12*, non-commercial uses shall:
  - a. Provide a ten foot (10') landscape buffer adjacent to the property line between the road right-of-way and any parking areas. Such landscaping shall consist of trees, shrubs and ground cover.
  - b. Landscape parkway areas with trees, shrubs or ground cover, but may not in any case impair the visibility of motorists.
3. **Roofing Materials:** Roofing materials shall consist of composition or concrete roofing tiles, provided that other types shall be permitted upon approval of the City.
4. **Roof Type:** Roof construction shall be limited to gable, hip, or other type roofs having a pitch, provided that other types shall be permitted upon approval of the City.
5. **Porches:** Porches are encouraged and shall not be enclosed .
6. **Architectural Style:** Architectural style is limited to the following, provided that other styles shall be permitted upon approval of the City: Victorian, Prairie, Bungalow, Craftsmen.
7. **Canopies and Awnings for Non-Residential Structures:** Canopies or awnings that are continuous across a façade of a non-residential primary structure shall not be permitted. Awnings are permitted providing they are not continuous across a façade, but relate to each window or bay.

#### J. SIGN REQUIREMENTS

Except as stated below, sign requirements shall conform to the provisions of *Section 6-8, Sign Requirements*. Commercial uses shall be permitted only the following sign types.

1. **Suspended Signs:**
  - a. Suspended signs that hang from a canopy or porch provided the size does not exceed three (3) square feet and are a minimum of seven (7) feet vertical feet above floor level.
  - b. Suspended signs that hang from a pole structure shall be permitted in the front or exterior side yards provided the total sign structure does not exceed four (4) feet in height and the sign face does not exceed six (6) square feet in area.
2. **Monument Signs:** Monument signs shall be permitted in the front and exterior side yards providing the sign does not exceed twelve (12) square feet in area.
3. **Name Plate Signs:** Name plate signs shall be permitted provided the size does not exceed one (1) square foot.
4. **Number of Signs:** One sign per street frontage shall be permitted.

5. **Illumination:** Sign illumination shall be externally lit from the top and shine downward, with the exception that uplighting not exceeding 75 watts shall be permitted.
6. **Prohibited Signs:** The following signs shall be prohibited:
  - Neon Signs,
  - Signs with moving parts or incorporating sound
  - Portable signs.

**K. LIGHTING REQUIREMENTS**

All nonresidentially used parcels within the MU district shall comply with the lighting standards as provided in *Section 6-16, Outdoor Lighting Requirements*. All outdoor lighting for residentially used parcels shall be fully shielded with eighty (80) degree cut-off. No Flood lighting shall be directed toward any residential property. Light measurements at any adjacent residential property line shall not exceed one tenth (0.1) of one foot-candle.



**Section 4-6****MH - Manufactured Home District****A. PURPOSE**

The purpose of the "MH" Manufactured Home District residential district is to provide adequate pace and restrictions for the placement of HUD-Code manufactured homes in the City within designated subdivisions. This does not include mobile homes as defined in this ordinance. The "MH" district is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the "MH" district. It is the intent of the "MH" district to provide the maximum amount of freedom possible in the design of such developments and the grouping and layout of homes within such developments in order to provide amenities normally associated with planned residential areas.

**B. GENERALLY**

Land within the "MH" district will be developed as a Manufactured Home subdivision. Lots within the "MH" district will be sold to private individuals in strict conformance with the terms and conditions under which the subdivision was approved by the City Council. All roadways within a manufactured home subdivision shall be dedicated to the public. Private interior drives must be approved by the city. Land zoned "MH" which is not developed as a manufactured home subdivision may be developed in accordance with "SF-7" zoning district regulations. In the "MH" district, no building or land shall be used and no building constructed, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance.

**C. MANUFACTURED HOME DEFINITIONS**

**Agent.** Any person authorized by the licensee of a mobile home or recreational vehicle park to operate or maintain such park under the provisions of this Ordinance.

**Building Official.** The legally designated inspection authority of the Building Department of the City or his authorized representative.

**Driveway.** A minor private way used by vehicles and pedestrians on a mobile home or recreational vehicle stand or used for common access to a small group of stands or facilities.

**License.** A written license issued by the Building Official allowing a person to operate and maintain a mobile home or recreational vehicle park under the provisions of this Ordinance and regulations issued hereunder.

**Licensee.** Any person licensed to operate and maintain a mobile home or recreational vehicle park under the provisions of this Ordinance.

**HUD-Code Manufactured Home.** A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet in length excluding tongue, or when erected on-site is three hundred and twenty (320) or more square feet, and which is built on a permanent foundation

when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

**Mixed Use Park.** A unified development of designated home spaces arranged on a large tract or site under single ownership, meeting all requirements of this Ordinance, and designed to accommodate mobile homes or HUD-code manufactured homes for a more or less permanent duration, and a development of designated spaces on which one or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for one or more such recreational vehicles.

**Mobile Home.** A structure constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet in length excluding tongue, or when erected on site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

**Mobile Home Park.** A unified development of local home spaces arranged on a large tract or site under single ownership, meeting all requirements of this Ordinance, and designed to accommodate mobile homes or HUD-code manufactured homes for a more or less permanent duration.

**Permit.** A written permit or certification issued by the Building official permitting the construction, alteration and extension of a mobile home or Recreational Vehicle park under the provisions of this Ordinance and regulations issued hereunder.

**Recreational Vehicle (RV).** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections, self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This term shall also include travel trailer, camping trailer, pickup camper or coach, and motor home.

**Recreational Vehicle (RV) Park.** A unified development of spaces on which one or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for one or more such recreational vehicles.

**Service Building.** A structure, which houses toilet, lavatory, and such other facilities as, may be required by this Ordinance.

**Sewer Connection.** The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a mobile home or recreational vehicle to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home or recreational vehicle park.

**Sewer Riser Pipe.** That portion of a sewer lateral which extends vertically to the ground elevation and terminates at a mobile home or recreational vehicle space.

**Skirting or Underpinning.** Shall be opaque material consisting of weather resistant material commonly sold for this application. There shall not be allowed any use of corrugated material such as tin or fiberglass panels. This skirting shall completely secure the underside of the structure and shall not be used for the containment of animals.

**Space.** A plot of ground within a mobile home or recreational vehicle park designed for the accommodation of one mobile home, HUD-code manufactured home or recreational vehicle unit. This term shall also include the terms "lot," "stands" and "stall".

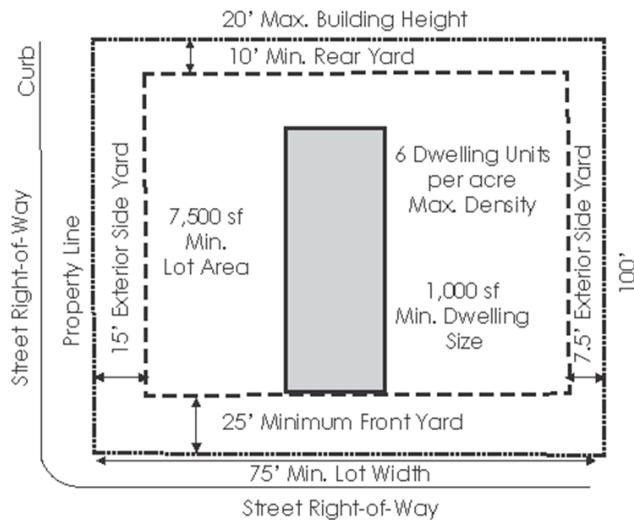
**Water Connection.** The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a mobile home or recreational vehicle.

**Water Riser Pipe.** That portion of the water supply system serving a mobile home or recreational vehicle park which extends vertically to the ground elevation and terminates at a designated point at a mobile home or recreational vehicle space.

**Zoning Ordinance.** The Comprehensive Zoning Ordinance of the City of Mineola.

**D. PERMITTED USES**

Uses permitted within the "MH" Manufactured Home district shall be in accordance with *Section 3-1, Permitted Use Table*.



MH Zoning District Area Requirements	
Maximum Density	6.0 d.u./acre
Minimum Lot Area	7,500 sq. ft.
Minimum Lot Width	75 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	7.5 ft.
Minimum Exterior Side Yard	15 ft.
Minimum Rear Yard	10 ft.
Maximum Building Height	20 ft.
Minimum Dwelling Size	1,000 sq. ft.

**E. AREA REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "MH" district, shall conform to the provisions provided in the Area Requirements table for the "MH" Zoning District (below).

**F. DEVELOPMENT AND INSTALLATION REGULATIONS**

Any property developed within the "MH" district manufactured housing subdivision shall meet the following requirements:

1. HUD Code Manufactured Homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation, all in accordance with manufacturer's specifications and applicable state and federal standards.
2. HUD Code Manufactured Homes must have a minimum of an eighteen-inch crawl space under all homes.
3. A concrete surface with good drainage shall cover the area where a home is to be sited.
4. Each HUD Code Manufactured Home site shall have a slab or patio not less than twenty feet in length and six feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site.
5. HUD Code Manufactured Homes shall have steps with a permanent foundation installed at all exits.
6. Skirting shall be securely attached between the HUD Code Manufactured home and the ground on all sides within thirty days of home installation. Skirting materials shall consist of materials which are compatible with the design of the home and enhance its appearance. Unpainted or untreated corrugated metal or wood, screen or wire, fiberglass, or lattice-type skirting is prohibited.
7. Construction, siting, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each manufactured home shall have affixed a seal of the appropriate federal or state department.
8. Sanitation, fire protection, and underground utility services shall be provided to each lot in accordance with the City ordinances and regulations.
9. Private driveways shall be an all-weather construction of a minimum 12' width.
10. Drainage and garbage collection right-of-way, fire lanes, and utility easements shall be provided as required by the City. Such can be accomplished by designating all private interior drives within the project as easements for vehicular access and service.
11. Soil conditions, ground water level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents.
12. HUD-Code Manufactured Home subdivisions shall be developed at densities comparable to adjacent residential uses or have adequate landscape buffering or open space to provide transition of uses. Adequate landscape buffering or open space for transition purposes shall be determined on an individual site basis and shall be subject to the approval of the City.
13. Any structural alteration or modification of a HUD-Code manufactured home after it is placed on the site must be approved by the building official of the City of Mineola. All structural additions shall comply with the City's building codes and ordinances.

**G. SITE-BUILT ADDITIONS**

The addition of peaked roof facades, atrium entrances, garages, porches, and patios are encouraged in order to increase the compatibility with conventional single family housing in the City.

**H. ACCESSORY BUILDING REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with Section 6-3, *Accessory Building Regulations*.

**I. PARKING REQUIREMENTS**

Parking requirements for the HUD Code Manufactured Housing District shall be in compliance with Section 6-7, *Off-street Parking and Loading Regulations*.

**J. INTERIOR DRIVES**

The use of private interior drives must be approved by the City Council.

1. Such interior drives shall have a minimum easement width of fifty (50) feet and shall have a minimum paved roadway width of thirty-one feet (31') back-to-back.
2. Public interior streets shall be located within dedicated rights-of-way, and shall have a minimum paved roadway width provided in accordance with the applicable standards in the City of Mineola Subdivision Regulations.
3. All private interior drives, entrances, and service drives shall be constructed in accordance with City design standards and shall have a six (6) inch rolled curb and gutter of concrete meeting the street standards of the City of Mineola. The developer shall bear the total cost of construction and maintenance of all such improvements, including curb and drainage structures that may be needed.
4. All parking areas and public streets shall be of concrete or asphalt.

**K. UNDERGROUND UTILITIES**

All utility lateral and service lines located within the "MH" District shall be installed underground.

**L. OPEN SPACE AREA**

Open space designated for the use and enjoyment of all residents shall be provided within a HUD Code Manufactured Home subdivision at the ratio of five hundred (500) square feet for each of the first twenty (20) units, and two hundred (200) square feet for each additional unit in excess of twenty (20). Designated open space shall be developed and maintained for recreational and leisure activities and shall be located within the subdivision being developed.

**M. SCREENING**

A solid opaque screening wall or fence of not less than eight (8) feet in height, measured at the highest finished grade, shall be provided along all perimeter property lines of a HUD-Code Manufactured Home subdivision which do not abut a dedicated street. Said screening wall or fence shall be masonry and of a decorative construction. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from

adjacent uses, as determined by the City. However, any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.

**N. PRESERVATION OF SITE ASSETS**

When developing a HUD-Code Manufactured Home Subdivision, the following steps shall be taken to preserve on-site assets:

1. Suitable available topsoil and desirable existing trees;
2. Shrubs and ground cover shall be preserved and protected where practicable;
3. Topsoil which is suitable and needed for later use in finished grading shall be stripped from areas to be occupied by structures, parking areas, streets and driveways, and from areas to be re-graded or disturbed. This topsoil shall be collected and stored on the site in convenient places for future use and shall be free of debris during construction.

**O. DRAINAGE**

Engineering plans for drainage shall be submitted for review by the City at the time of site plan approval. All applicable requirements of the City shall be met.

**P. HUD-CODE MANUFACTURED HOME SALES**

HUD-Code Manufactured Home subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are not permitted.

**Section 4-7 MF 18 – Multifamily Residential District**

**A. PURPOSE**

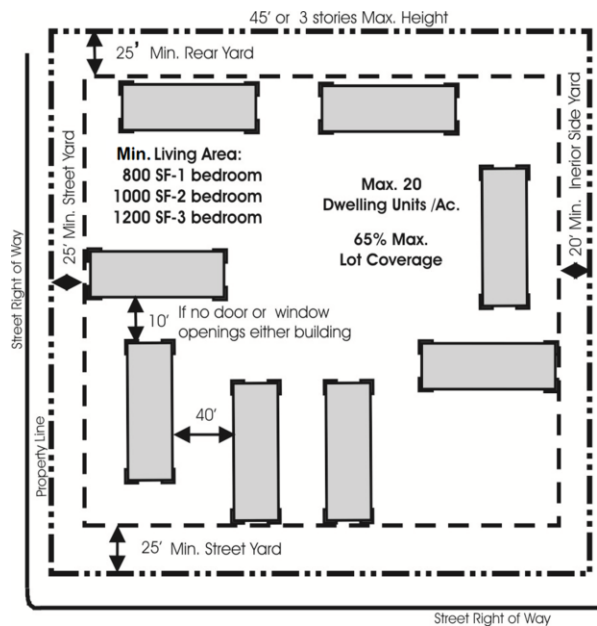
The MF-18, Multifamily Residential district is to provide for compatible land, building, and structural uses primarily oriented to high-density multi-family residential use. The MF-18 district is intended to serve as a transitional element between lower density residential uses and more intense non-residential land uses.

**B. PERMITTED USES**

Uses in the MF-18 district shall be in accordance with *Section 3-1, Permitted Use Table*.

**C. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the MF-18 Zoning District.



<b>MF 18– Zoning District Area Requirements</b>	
Maximum Density	20 d.u. per acre
Minimum Street Yard	25 ft. all streets
Minimum Side Yard	20 ft.
Minimum Rear Yard	25 ft.
Minimum Distance Between Buildings	40 ft. 10 ft. provided all facing walls of the adjacent buildings contain no door or window openings.
Maximum Lot Coverage	65 %
Maximum Building Height	45 ft or. 3 stories
Minimum Living Area	800 s.f. – 1 bedroom 1000 s.f. – 2 bedroom 1200 s.f. – 3 bedroom

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

In addition, areas dedicated for parking of boats, trailers, and RV's shall be separated from vehicle parking and shall be located in a designated area which is screened from the street and adjacent residential property.

**E. LANDSCAPING REQUIREMENTS**

Landscaping requirements shall comply with the provisions in *Section 6-12, Landscaping Requirements*.

**F. SIGNS.....**

Signs shall be in accordance with *Section 6-8, Sign Regulations*.

**G. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *6-3, Accessory Building Regulations*.

**H. REFUSE FACILITIES**

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened for view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

In addition, each unit in any multi-story design, regardless of density, shall be provided with one (1) point of entry and exit with each providing separate access to places of safety in the event of fire and/or other emergency.

**I. SCREENING AND BUFFER REQUIREMENTS**

Screening and buffer requirements shall comply with the provisions in *Section 6-9, Screening and Buffer Requirements*.

**J. MASONRY EXTERIOR REQUIREMENTS.....**

Masonry exterior requirements shall comply with the provisions in *Section 6-11, Masonry Exterior Requirements*.



**Section 4-8 MF 24 – Multifamily Residential District**

**A. PURPOSE**

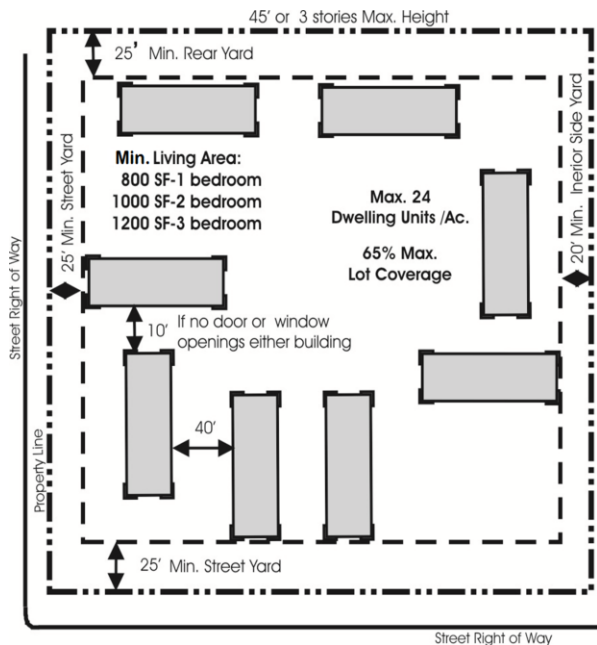
The MF-24, Multifamily Residential District district is to provide for compatible land, building, and structural uses primarily oriented to high-density multi-family residential use. The MF-24 district is intended to serve as a transitional element between lower density residential uses and more intense non-residential land uses.

**B. PERMITTED USES**

Uses in the MF-24 district shall be in accordance with *Section 3-1, Permitted Use Table*.

**C. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the MF-24 Zoning District (below).



MF 24– Zoning District Area Requirements	
Maximum Density	24 d.u. per acre
Minimum Street Yard	25 ft. all streets
Minimum Side Yard	20 ft.
Minimum Rear Yard	25 ft.
Minimum Distance Between Buildings	40 ft. 10 ft. provided all facing walls of the adjacent buildings contain no door or window openings.
Maximum Lot Coverage	65 %
Maximum Building Height	45 ft or. 3 stories
Minimum Living Area	800 s.f. – 1 bedroom 1000 s.f. – 2 bedroom 1200 s.f. – 3 bedroom

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

In addition, areas dedicated for parking of boats, trailers, and RV's shall be separated from vehicle parking and shall be located in a designated area which is screened from the street and adjacent residential property.

**E. LANDSCAPING REQUIREMENTS**

Landscaping requirements shall comply with the provisions in *Section 6-12, Landscaping Requirements*.

**F. SIGNS**.....

Signs shall be in accordance with *Section 6-8, Sign Regulations*.

**G. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**H. REFUSE FACILITIES**

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened for view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

**I. SCREENING AND BUFFER REQUIREMENTS**

Screening and buffer requirements shall comply with the provisions in *Section 6-9, Screening and Buffer Requirements*.

**Section 4-9 C-1 –Commercial District – Office, Retail & Neighborhood Service**

**A. PURPOSE**

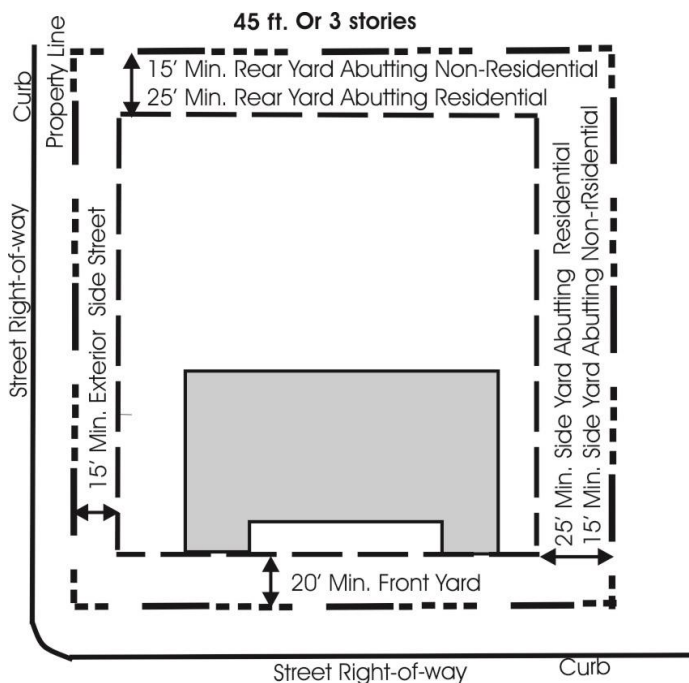
The C-1, Commercial District is to provide for a district of uses primarily oriented to select convenience goods and services which supply the daily needs of residential neighborhoods, including neighborhood shopping centers where residents of the adjacent neighborhood have both pedestrian and automobile access.

**B. PERMITTED USES**

Uses in the C-1 district shall be in accordance with *Section 3-1, Permitted Use Table*.

**C. DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the C-1 Zoning District (below).



C-1 – Zoning District Area Requirements	
Minimum Lot Area	NA
Minimum Lot Width	NA
Minimum Lot Depth	NA
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. 25 ft. abutting Res. Dist.
Minimum Rear Yard	15 ft. or 25 ft. if abutting any residential district.
Maximum Lot Coverage	NA
Maximum Building Height	45 ft. or 3 stories

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

**E. LANDSCAPING**

Landscaping requirements shall comply with the provisions in *Section 6-12, Landscaping Requirements*.

**F. SIGNS.....**

Signs shall be in accordance with *Section 6-8, Sign Regulations*.

**G. SCREENING AND BUFFER REQUIREMENTS**

Screening and buffer requirements shall comply with the provisions in *Section 6-9, Screening and Buffer Requirements*.

**Section 4-10 C-2 - General Commercial District**

**A. GENERAL PURPOSE AND DESCRIPTION**

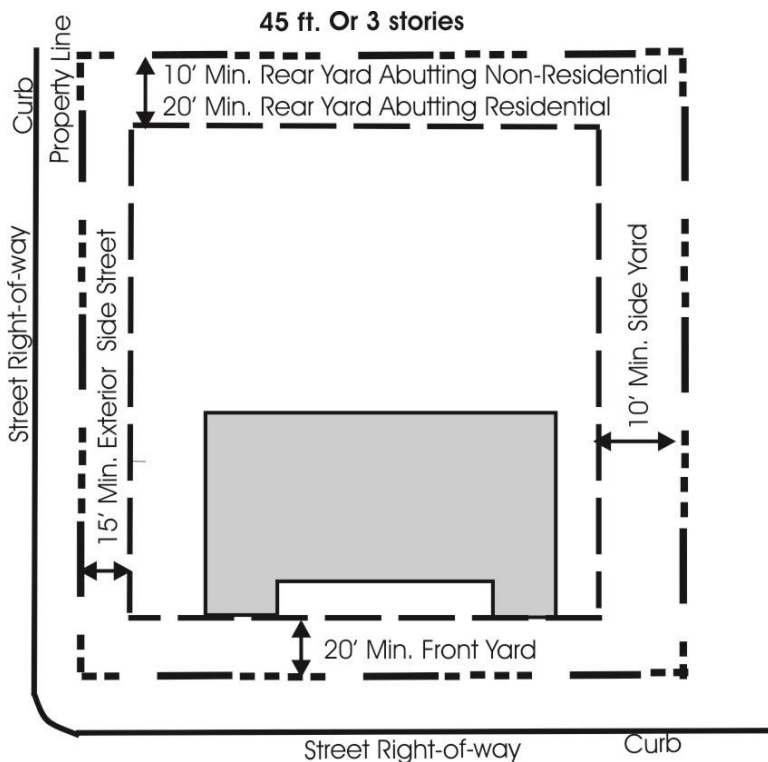
The C-2, General Commercial District is intended to provide a zoning category similar to the C-1 District except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted.

**B. PERMITTED USES**

Uses in the C-2 district shall be in accordance with *Section 3-1, Permitted Use Table*.

**C. DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Density, Area, Yard, Height, and Lot Coverage Requirements for the C-2 Zoning District.



<b>C-2 – Zoning District Area Requirements</b>	
Minimum Lot Area	NA
Minimum Lot Width	NA
Minimum Lot Depth	NA
Minimum Street Yard	20 ft. Front Yard 15 ft. Side Street
Minimum Side Yard	10 ft.
Minimum Rear Yard	10 ft. or 20 ft. if abutting any residential district.
Maximum Lot Coverage	NA
Maximum Building Height	45 ft. or 3 stories

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

**E. SCREENING AND BUFFERING REQUIREMENTS.....**

Screening and buffer requirements shall comply with the provisions in *Section 6-9, Screening and Buffer Requirements*.

**F. LANDSCAPING REQUIREMENTS**

Landscaping requirements shall comply with the provisions in *Section 6-12, Landscaping Requirements*.

**Section 4-11 I – Manufacturing/Industrial District**

**A. PURPOSE OF DISTRICT**

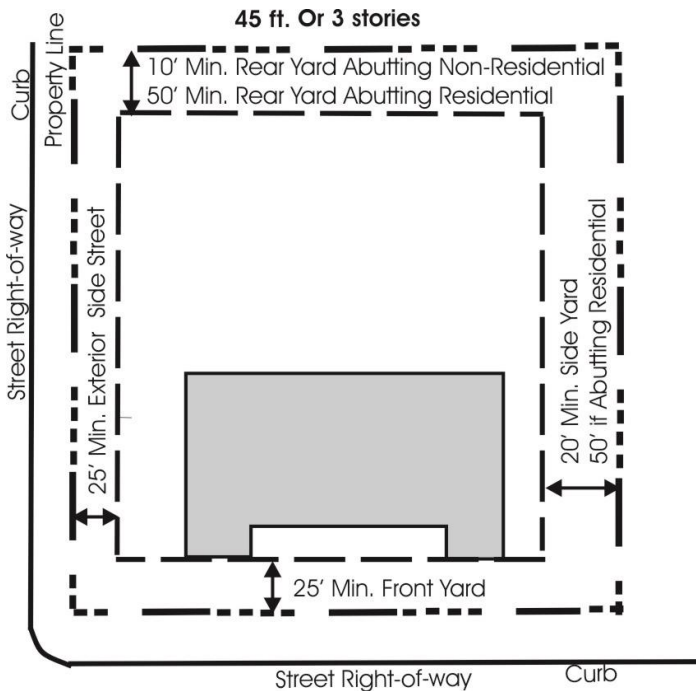
The I, Manufacturing/Industrial District is designed to permit industrial and manufacturing uses which tend to be of direct support to nearby residential and commercial areas, and which have low to moderate objectionable environmental influences.

**B. PRINCIPAL USES**

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for any use permitted in the I, Manufacturing/Industrial District as a Principal Use.

**C. DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table for the “I” zoning district.



<b>I – Zoning District Area Requirements</b>	
Minimum Lot Area	NA
Minimum Lot Width	NA
Minimum Lot Depth	NA
Minimum Street Yard	25 ft. Front Street 25 ft. Side Street
Minimum Side Yard	20 ft. or 50 ft. if abutting any residential district.
Minimum Rear Yard	10 ft. or 50 ft. if abutting any residential district.
Maximum Lot Coverage	NA
Maximum Building Height	NA

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements.*

**E. SIGNS.....**

Signs shall be in accordance with *Section 6-8, Sign Regulations*.

**F. SCREENING AND BUFFERING REQUIREMENTS.....**

Screening and buffer requirements shall comply with the provisions in *Section 6-9, Screening and Buffer Requirements*.

**G. LANDSCAPING REQUIREMENTS**

Landscaping requirements shall comply with the provisions in *Section 6-12, Landscaping Requirements*.



## Article 5 - Special Districts

### Section 5-1 PD - Planned Development District

#### **A. GENERAL PURPOSE AND DESCRIPTION**

The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations. It is intended to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

#### **B. PERMITTED USES**

Any use specified in the ordinance granting a PD, Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

#### **C. DEVELOPMENT STANDARDS**

1. Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
2. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.
3. The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

#### **D. CONCEPTUAL AND DEVELOPMENT PLAN**

In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standard for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detail site plan).

1. Conceptual Plan - This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.
2. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose

platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

3. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
4. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.
5. Development Plan or Detailed Site Plan - This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section to the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to *Section 5-1, D, Conceptual and Development Plan*, at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:
  6. A site inventory analysis including a scale drawing, existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
  7. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of two or not more than five (5) feet at location of entry slope as determined by the City.
  8. A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be

included on the site plan is a plan showing the arrangement and provision for off-street parking.

9. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
10. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single family and two family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

#### **E. PROCEDURE FOR ESTABLISHMENT**

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in *Section 1-12 Amendments, Changes, and Administrative Procedures*. This procedure is expanded as follows for approval of conceptual and development plans.

1. Separate public hearings shall be held by City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirements are waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
  2. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
  3. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and
  4. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
5. The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
6. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.
7. An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to reapproval by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original conceptual plan to ensure its continued validity.
8. Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

**F. WRITTEN REPORT MAY BE REQUIRED.....**

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the City Council.

**G. PLANNED DEVELOPMENTS TO BE RECORDED.....**

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

**Section 5-2 Heritage Preservation Overlay District (HP)****A. DECLARATION OF POLICY.**

The City Council hereby finds and declares as a matter of public policy that the protection, enhancement and use of districts within the City that exhibit the character of the City's early heritage is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the people.

**B. Establishment of "HP" Heritage Overlay Zoning Designation.**

Any zoning district designation appearing on the Zoning District Map may be designated with an HP Overlay District.

**C. DISTRICT REGULATIONS AND REQUIREMENTS:**

The regulations as established in districts underlying the HP Overlay Districts shall apply unless otherwise modified in these district regulations.

**D. CERTIFICATE OF APPROPRIATENESS:**

Any development, construction, reconstruction or rehabilitation that results in the modification of the exterior of any structure in the HP Overlay District shall be subject to requirements for a Certificate of Appropriateness in accordance with the City of Mineola's Heritage Preservation Ordinance.

**E. HERITAGE PRESERVATION DESIGN STANDARDS:**

Any development, construction, reconstruction or rehabilitation that results in the modification of the exterior of any structure in any HP Overlay District shall be subject to any City of Mineola regulations that govern HP Overlay Districts including any Heritage Preservation Design Standards.

**F. CRITERIA:**

The following criteria shall be considered when determining whether an area is eligible for designation as a Heritage Preservation District.

1. The dominant architecture within the proposed district is significant to maintaining the character of the City's early heritage.
2. The area exhibits or represents the distinctive characteristics of a type, period or method of construction;
3. Is representative of the work, or exhibits the characteristics of the work, of a master designer, builder or craftsman.
4. The area contains established and familiar visual features of the community.
5. Significance in history, architecture, archeology and/or culture;
6. Association with events that have made a significant contribution to the patterns of local, regional, state or national history.
7. Association with the lives of persons significant in our past;

**G. COMMERCIAL REGULATIONS:**

The following regulations shall apply to HP Overlay Districts when the underlying district is zoned for commercial use.

1. *Permitted Uses:*

a. In the HP Overlay District, no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in any underlying commercial district and not specifically prohibited within the HP Overlay District. In addition, the following uses shall be allowed:

b. Residential uses, as shown below, shall be permitted in any HP Overlay district with an underlying commercial district providing that no residential dwelling units shall be located on any ground floor.

Apartment

Apartment, loft

Apartment, studio

Bed and Breakfast, hosted

Bed and Breakfast, unhosted

Bed and Breakfast Retreat

2. *Prohibited Uses:* The following uses are prohibited in any HP Overlay District when the underlying district is commercially zoned.

Animal pound

Auto Glass, Seat Cover, Muffler shop

Auto laundry/car wash

Auto parts and accessory sales

Auto sales or auction

Body piercing studio

Cemetery/mausoleum

Collection Center

Fairgrounds/exhibition area

Garage repair

Gas or motor fuel sales

Golf Course

Greenhouse/nursery – commercial

Halfway House

Helistop/Heliport

Mini-Warehouse

Motorcycle sales

Parking Lot, trucks/trailers

Pawn shop

Radio microwave tower

Radio/Television Station Tower

Sewerage pumping station

Stadium

Swimming Pool

Tattoo studio

Telephone switching station

Water pumping station, private

Water storage facility, private or public

### 3. *Sign Regulations*

- a. Permitted Signs: In addition to signs that are permitted within the underlying commercial districts of an HP Overlay District, the following signs shall be permitted.
- i. Suspended Signs - a maximum of one sign for each ground floor entryway. Suspended signs may not be used in combination with other building-mounted sign.
  - ii. Sandwich Board Signs – a maximum of one sign for each business establishment. Sandwich Board signs may not be used in combination with other free-standing signs.
  - iii. Projecting Signs: a maximum of one projecting sign shall be permitted for each business establishment. Projecting signs may not be used in combination with other free-standing signs.
  - iv. Neon Signs and LED Signs: shall be no larger than 33” x 18” with no more than three colors. The signs must be an open sign only and located only on the inside of the building. No flashing signs shall be allowed.
  - v. Off-Premise Sign: Off-Premise signs shall only be located in areas of the HP Overlay District where the underlying zone is C-2. They shall be affixed to streetlamp posts owned by the City of Mineola. The signs shall not be located in TxDOT rights of way. The signs shall be 20” x 4” and shall be purchased from the City of Mineola and installed by the City of Mineola personnel. The signs cannot be used in conjunction with existing “Sandwich Board Signs”.

- b. Prohibited Signs: In addition to signs that are prohibited within the underlying commercial districts of an HP Overlay District, the following signs shall be prohibited.
- Search Lights
  - Inflatables
  - Wall signs advertising off premises businesses or products
- c. Sign Location:
- i. Sign location shall conform to those regulations set forth in City of Mineola Sign Ordinance. For signs that are not listed in the Sign Ordinance but are permitted in the HP Overlay District by this Ordinance, the following shall apply:
  - ii. Any sign that is placed in the sidewalk area of the public right-of-way must be located so that a minimum of five (5) feet of clear sidewalk area is left clear and available for pedestrians. Such signs must be removed at the end of each business day.
- d. Sign Illumination:
- i. Illumination limitations: Sign illumination shall be externally lit from the top and shine downward. No uplighting shall be permitted in any HP Overlay District, except that 75 watts or less are acceptable if necessary for security purposes. Illumination values shall not exceed 5 foot-candles.
  - ii. Glare: All signs shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadway and/or surrounding property. The lighting must also be substantially contained to the target area.
- e. Sign Size and Height: Sign size shall conform to those dimensions set forth in Section 6-8, Sign Regulations. For signs that are not permitted by the Sign Ordinance but that are permitted in the HP Overlay District by this Ordinance, the following shall apply.
- i. Suspended Signs: Suspended signs that hang from a canopy or porch shall be a maximum of three (3) square feet. Suspended signs that hang from a free-standing pole frame shall be a maximum of fifteen (15) square feet.
  - ii. Sandwich Board Signs: Sandwich Board signs shall be a maximum of Nine (9) square feet.
- f. Sign Clearance: Suspended Signs: Suspended signs shall provide a minimum of seven (7) feet of clearance from ground level.
4. *Outside Display*: Commercial products may be displayed in the public rights-of-way on the sidewalk, providing that a minimum of five (5) feet of clear space is provided for pedestrians. Any outside display must be cleared from the public right-of-way each day after business hours.
5. *Outdoor Seating*: Business establishments may provide outdoor seating in public rights-of-way on the sidewalks adjacent to their property, subject to the following:



6. *Site Plan*: A site plan approved by City Council shall indicate all proposed outdoor seating areas in relationship to the primary building.
7. *Parking*:
  - a. *Angle Parking*: Angle parking in any road right-of-way shall be permitted in HP Overlay Districts. Such parking shall conform to the dimension requirements of *Section 6-7, Off-Street Parking and Loading Requirements*, of the Mineola Zoning Ordinance.
  - b. *Parking Space Size*: One (1) enclosed parking space shall be required for each residential dwelling unit.
8. *Exemption From Set Backs*: There shall be an area, designated on the city of Mineola Zoning Map, within the Heritage Preservation Overlay District that shall be exempt from set back regulations.

**H. RESIDENTIAL REGULATIONS:**

The following regulations shall apply to HP Overlay Districts when the underlying district is zoned for residential use.

1. *Permitted Uses*: In the HP Overlay District, no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in any underlying residential district and not specifically prohibited in this Heritage Preservation District. In addition, the following uses shall be allowed:
  - a. *Permitted By-Right*:
    - Philanthropic or charitable use
    - Office, Professional
    - Real Estate Office
    - Antique Shop
    - Catering Service
    - Locksmith
    - Watch and/or Jewelry Repair
    - Beauty/Barber Shop
    - Retail Clothing Sales
    - Bed & Breakfast Hosted
    - Bed & Breakfast Unhosted
    - Bed & Breakfast Retreat
  - b. *Specific Use Permit*: The following uses are permitted upon approval by City Council of a Specific Use Permit in accordance with Section 6-2.
    - Museum

Art Gallery  
Cabinet and/or Upholstery Shop  
Day Care, Adult or Child  
Farmer’s Market  
Restaurant  
Telephone switching station  
Water pumping station, private  
Water storage facility, private or public  
Electrical Substation  
Country Club  
Golf Course, Private

2. *Prohibited Uses:* The following uses are prohibited in any Heritage Preservation Overlay District with a residentially zoned underlying district.
  - c. Manufactured Home
  - d. Manufactured Housing Park or Subdivision
  - e. Public Maintenance Building
3. *Site Plan:* A site plan shall be required for all commercial uses when the underlying district is zoned for residential use.
4. *Sign Regulations:* Sign requirements shall conform to requirements of the underlying residential district, provided, however, that in cases when a residential use is converted to a commercial use the following shall apply.
  - a. *Permitted Signs:* The following signs shall be permitted in addition to those permitted in the underlying residential district. Only one sign shall be permitted per use.
    - (i) Suspended Signs
    - (ii) Projecting Signs
    - (iii) Monument Signs
  - b. *Sign Location:* Sign location shall conform to those regulations set forth in Section 6-8, Signs. For signs that are not listed in the Sign Ordinance but are permitted in the HP Overlay District by this Ordinance, the following shall apply:
    - i. No sign shall be permitted in any public right-of-way.
    - ii. All suspended signs that are mounted on a pole frame and monument signs shall be setback from the property line a minimum of five (5) feet.

- c. Sign Illumination:
- (i) Illumination limitations: Sign illumination shall be externally lit from the top and shine downward. No uplighting shall be permitted in any HP Overlay District, except that 75 watts or less are acceptable if necessary for security purposes. Illumination values shall not exceed 5 foot-candles.
  - ii. Glare. All signs shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and/or surrounding property. The lighting must also be substantially contained to the target area.
- d. Sign Size and Height: Sign size shall conform to those dimensions set forth in *Section 6-8, Signs*. For signs that are not permitted by the Sign Ordinance but that are permitted in the HP Overlay District by this Ordinance, the following shall apply.
- i. Suspended Signs: Suspended signs that hang from a canopy or porch shall be a maximum of three (3) square feet. Suspended signs that hang from a free-standing pole frame shall be a maximum of fifteen (15) square feet, and the bottom of such signs shall be a maximum distance of one (1) foot from grade.
  - ii. Sandwich Board Signs: Sandwich Board signs shall be a maximum of nine (9) square feet.
- e. Sign Clearance: Suspended Signs: Suspended signs that hang from a canopy or porch shall provide a minimum of seven (7) feet of clearance from ground level.
5. *Parking*: Any residential structure that is converted from a residential use to a commercial use shall be subject to the following parking requirements:
- f. The off-street parking requirements of Section 6-7 shall not apply to any such converted lots; except that parking space size requirements as required in Section 5.7, C, shall apply.
  - g. The front and side yard areas of any converted lot shall not be paved, or used for parking or driveway purposes, except as permitted in the underlying residential zoning district.
6. *Landscaping*: Landscaping shall conform to the requirements of *Section 6-12, Landscaping Requirements*.
7. *Exterior Construction*: Structures shall be exempt from the exterior construction requirements of any underlying residential zoning district, but shall be subject to any Design Standards that apply to this Heritage Preservation Overlay District.
8. *Seasonal Goods*: Outside storage and display of seasonal goods such as flowers, vegetables or other produce shall be permitted.

**Section 5-3 MH, Manufactured Home Overlay District**

**A. PURPOSE**

The MH, Manufactured Home Overlay District is established to provide locations for manufactured homes within other zoning districts as established by the Mineola Zoning Ordinance. The MH - Manufactured Housing Overlay District provides for manufactured homes as fixed dwellings wherein the manufactured home is placed on a lot as a fixed structure.

**B. DEFINITIONS**

Definitions for this section shall be the same as those found in *Section 4-6, MH - Manufactured Home District*.

**C. PRIMARY USES ALLOWED**

In the MH, Manufactured Home Overlay District, structures and/or land may be used as permitted in the underlying zoning districts. In addition, HUD-Code manufactured homes shall be permitted as set forth in this section.

**D. ACCESSORY USES ALLOWED**

1. Accessory building, residential
2. Home occupation

**E. PROHIBITED USES:**

Mobile homes shall be prohibited in the MH, Manufactured Home Overlay District and in all underlying districts.

**F. HEIGHT REQUIREMENTS**

Height requirements shall conform to those as set forth in *Section 4-6, MH – Manufactured Home District*.

**G. OFF STREET PARKING REGULATIONS**

Off street parking requirements shall conform to those as set forth in *Section 6-7, Off Street Parking and Loading Regulations*

**H. DEVELOPMENT AND DESIGN REGULATIONS**

Development and design regulations shall conform to those as set forth in *Section 4-6, MH- Manufactured Home District, F, Development and Installation Regulations, and G, Site Built Additions*.

**I. SPECIFIC USE PERMIT REQUIRED**

A specific use permit as set forth in *Section 6-2, Specific Use Permits*, shall be required for the placement of manufactured homes in this district.

**Section 5-4 Neighborhood Commercial Overlay District****J. PURPOSE**

The Neighborhood Commercial Overlay District is established to provide locations for permitted commercial uses within designated MU zoning districts as established by the Mineola Zoning Ordinance.

**K. DEFINITIONS**

Definitions for this section shall be the same as those found in *Section 3-4, Land Use Definitions*.

**L. PRIMARY USES ALLOWED**

In the Neighborhood Commercial Overlay District, structures and/or land may be used as permitted in the underlying designated MU zoning districts. In addition, only these Educational, Commercial, Retail and Service uses shall be permitted as set forth in this section.

1. Baker retail
2. Gift Shop/Florist
3. Restaurant (No 24 Hour Service)
4. Catering Service
5. Collectables Shop
6. Copy shop
7. Apparel/Alteration Shop
8. Shoe Repair
9. Medical, Dental & Optical Sales
10. Medical Equipment Sales, Rental, Leasing Service
11. Bank, Financial Institution
12. Business Office
13. Fitness Studio
14. Health Club, Recreation Facility
15. Laundry Service Pickup & Receiving Station
16. School, Business College
17. School, College or University

**M. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Except as stated below, off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

1. Parking spaces may be adjusted to meet the unique design criteria of the development upon justification provided on the site plan.

**N. SCREENING AND BUFFER REQUIREMENTS**

In addition to requirements as stated below, screening and buffer requirements shall conform to the provisions of *Section 6-9, Screening and Buffer Requirements*.

When a boundary of a non-residential use sides or backs upon a residential use, a solid screening wall or fence of not more than six (6) feet and not less than four (4) feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

**O. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**P. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Area Requirements table and illustration for the MU Zoning District, unless otherwise provided on the Site Plan and approved by the City Council upon recommendation by the Planning and Zoning Commission.

**Q. DESIGN REQUIREMENTS**

The design of new construction shall be compatible with surrounding properties including, but not limited to, design features such as scale, architectural style and building materials. All new construction shall conform to the following:

1. **Exterior Construction:** No exterior of any primary structure shall be of exposed metal surface or of non-decorative concrete block construction. Exterior construction that incorporates exposed metal or non-decorative concrete block construction may be permitted with a Special Exception if such construction is an integral element of a particular architectural design feature and can be demonstrated that such construction uniquely adds value and quality to the neighborhood.
2. **Landscaping:** Except as stated below, landscaping requirements shall conform to the provisions of *Section 6-12, Landscaping Requirements*. In addition to landscaping requirements in *Section 6-12*, non-residential uses shall:

- a. Provide a ten foot (10') landscape buffer adjacent to the property line between the road right-of-way and any parking areas. Such landscaping shall consist of trees, shrubs and ground cover.
- b. Landscape parkway areas with trees, shrubs or ground cover, but may not in any case impair the visibility of motorists.
3. **Roofing Materials:** Roofing materials shall consist of composition or concrete roofing tiles, provided that other types shall be permitted upon approval of the City.
4. **Roof Type:** Roof construction shall be limited to gable, hip, or other type roofs having a pitch, provided that other types shall be permitted upon approval of the City.
5. **Porches:** Porches are encouraged and shall not be enclosed .
6. **Architectural Style:** Architectural style is limited to the following, provided that other styles shall be permitted upon approval of the City: Victorian, Prairie, Bungalow, Craftsmen.
7. **Canopies and Awnings for Non-Residential Structures:** Canopies or awnings that are continuous across a façade of a non-residential primary structure shall not be permitted. Awnings are permitted providing they are not continuous across a façade, but relate to each window or bay.

#### **I. SIGN REQUIREMENTS**

Except as stated below, sign requirements shall conform to the provisions of *Section 6-8, Sign Requirements*.

1. **Suspended Signs:**
  - c. Suspended signs that hang from a canopy or porch provided the size does not exceed three (3) square feet and are a minimum of seven (7) feet vertical feet above floor level.
  - d. Suspended signs that hang from a pole structure shall be permitted in the front or exterior side yards provided the total sign structure does not exceed four (4) feet in height and the sign face does not exceed six (6) square feet in area.
2. **Monument Signs:** Monument signs shall be permitted in the front and exterior side yards providing the sign does not exceed twelve (12) square feet in area.
3. **Name Plate Signs:** Name plate signs shall be permitted provided the size does not exceed one (1) square foot.
4. **Number of Signs:** One sign per street frontage shall be permitted.
5. **Illumination:** Sign illumination shall be externally lit from the top and shine downward, with the exception that uplighting not exceeding 75 watts shall be permitted.
6. **Prohibited Signs:** The following signs shall be prohibited:
  - Neon Signs,
  - Signs with moving parts or incorporating sound
  - Portable signs.

**J. LIGHTING REQUIREMENTS**

All nonresidentially used parcels within the MU district shall comply with the lighting standards as provided in *Section 6-16, Outdoor Lighting Requirements*. All outdoor lighting for residentially used parcels shall be fully shielded with eighty (80) degree cut-off. No Flood lighting shall be directed toward any residential property. Light measurements at any adjacent residential property line shall not exceed one tenth (0.1) of one foot-candle.

**K. SPECIFIC USE PERMIT REQUIRED**

A specific use permit as set forth in *Section 6-2, Specific Use Permits*, shall be required for the placement of permitted Educational, Commercial, Retail and Service uses listed in this section.



## Article 6- Supplemental District Regulations

### Section 6-1 Site Plan Requirements

#### **A. GENERALLY**

Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section. Unless otherwise specified in this ordinance, all site plans must be approved by the City Council, upon recommendation of the Planning and Zoning Commission. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as set forth by the city staff. Site plans shall be reviewed by the city staff, and comments shall be returned after the review by the city staff. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the city staff.

#### **B. REQUIRED PRIOR TO BUILDING PERMIT**

When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the city.

#### **C. CHANGES TO THE SITE PLAN**

Changes to the site plan shall be processed in the same manner as the original approved site plan.

1. Except as otherwise provided in paragraph 3 below, any site plan that is amended shall require approval of the City Council, upon recommendation of the Planning and Zoning Commission.
2. Changes to the site plan which will affect the use of the land may require either an amendment to a Planned Development or a rezoning of property, whichever applies.
3. Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the administrative official or his/her designee. An aggrieved party may appeal the decision of the administrative official or his/her designee to the Board of Adjustment in accordance with the provisions of this ordinance.

#### **D. COUNCIL APPROVAL**

Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance.

**E. SITE PLAN CONTENT**

The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the City Council and the staff personnel required to enforce and interpret this ordinance.

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, fire hydrants, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
2. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.
3. Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and /or alley.
5. Total number, location, and arrangement of off-street parking and loading spaces, where required.
6. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
7. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
8. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
9. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
10. If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
11. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property.
12. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
13. Buildings on the exterior of the site and within twenty-five feet of all property lines.
14. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
15. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.
16. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and

use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

17. Legal description of the total site area proposed for rezoning, development or specific use permit.
18. Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.
19. A development timetable if development is to be in phases.
20. The percentage of the site that will be covered by building and structures.

## Section 6-2

## Specific Use Permits

### A. PURPOSE

Certain land uses, because of their nature and location, are not appropriate for categorizing into installations, such as colleges and universities, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other unusual land uses not specifically provided for in this chapter. To provide for the proper handling and location of such specific uses, provision is made for amending this chapter to grant a permit for a specific use in a specific location. This procedure for approval of a specific use permit includes a public hearing. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a specific use permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a specific use permit unless it is the finding of the Planning and Zoning Commission and City Council that such a special use is compatible with adjacent property use and consistent with the character of the neighborhood.

### B. PERMIT REQUIRED

No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued as required in the Special Conditions column of *Section 3-1, Use of Land and Buildings* and in *Section 3-4, Land Use Definitions and Explanations* and as approved by the City Council.

1. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.
2. Any nonresidential use abutting a residentially zoned property shall be required to submit a specific use permit for approval according to the regulations of this section.

### C. APPLICATION PROCEDURE

1. An application for a special permit shall be filed with the administrative official on a form prepared by the city. The application shall be accompanied by the following:
  2. A completed application form signed by the property owner;
  3. An application fee as established by the city's latest adopted schedule of fees;
  4. A certificate stating that all city and school taxes have been paid to date;
  5. A property description of the area where the specific use permit is proposed to apply;

6. A site plan complying with the requirements stated in this section which will become a part of the specific use permit, if approved; and
7. Any other material and/or information as may be required by the Planning and Zoning Commission, the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the city.

**D. SITE PLAN INFORMATION**

A site plan shall contain, at a minimum the following, as provided in *Section 6-1, Site Plan Requirements*.

**E. ADDITIONAL INFORMATION**

The following additional information may also be required if deemed appropriate by staff, the Planning and Zoning Commission, or City Council.

1. Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility.
2. Description of the present use, assessed value and actual value of the land affected by the proposed facility.
3. Description of the proposed use, anticipated assessed value and supporting documentation.
4. A description of any long-term plans or master plan for the future use or development of the property.
5. A description of the applicant's ability to obtain needed easements to serve the proposed use.
6. A description of any special construction requirements that may be necessary for any construction or development on the subject property.
7. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required.

**F. COUNCIL ACTION**

The City Council may grant such a wavier only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area and that providing the information required by the submittal requirements is unreasonably burdensome on the applicant.

**G. CONDITIONS OF PERMIT APPROVAL**

A specific use permit shall not be recommended for approval by the Planning and Zoning Commission unless the Commission finds that all of the following conditions have been found to exist:

1. The proposed use complies with all the requirements of the zoning district in which the property is located.
2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the city.

3. The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.
4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.
5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
6. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property.
7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.
8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.
9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.
10. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely effect neighboring properties.
11. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.
12. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.
13. The proposed use is in accordance with the City of Mineola Comprehensive Land Use Plan.

**H. ADDITIONAL CONDITIONS**

In authorizing a Specific Use Permit, the Planning and Zoning Commission may recommend, and the City Council may impose, additional reasonable conditions necessary to protect the public interest and the welfare of the community.

**I. TIME LIMIT**

A Specific Use Permit issued under this division shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved the City Council.

**J. REVOCATION OF PERMIT**

1. Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:
2. The permit was obtained or extended by fraud or deception.

3. One or more of the conditions imposed by the permit has not been met or has been violated.

**K. AMENDMENTS TO SPECIFIC USE PERMIT**

The procedure for amending a Specific Use Permit shall be the same as for a new application, provided the administrative official may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

<b>Section 6-3</b>	<b>Accessory Building Regulations</b>
--------------------	---------------------------------------

**A. HEIGHT**

No accessory building shall exceed eighteen (18) feet in height, nor shall it be greater in height than the main structure.

**B. ACCESSORY STRUCTURE DEFINITIONS**

The following definitions shall apply:

**Accessory Building.** Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial purposes.

**Portable Building.** Any accessory building, which is smaller than one hundred and twenty square feet (120 sq. ft.) in size. Constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.

**Structure.** The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the City Building Code as adopted by the City of Mineola.

**C. AREA REGULATIONS IN SINGLE FAMILY AND MULTI-FAMILY DISTRICTS**

Area regulations for accessory buildings located in the SF-1, SF-2, MU, MH, MF-18, MF-24 districts and all residential portion of adopted Planned Developments shall comply with the following regulations:

1. Front Yard: Attached accessory buildings, including garages, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the side yard or rear yard.
2. Rear Yard: There shall be a rear yard setback not less than five (5) feet from any lot line, alley line, or easement line. Garages or other accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.

**D. GASOLINE FACILITIES**

Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than 15 feet distant from any street, highway or alley right-of-way line, and not less than 50 feet distant from any residential property line

**E. AREA ALLOWED**

The maximum allowable area for any accessory building or accumulative total floor area is four hundred and forty square feet (440 sq.ft.). There shall be no more than two buildings per lot, the total of buildings being not larger than 25% of the required rear yard of the lot.

**F. CONSTRUCTION DETAILS**

The maximum height allowed is twelve feet (12'). Measured from the tallest portion of the building to the finished floor, providing the finished floor is not over eighteen inches above the average grade of the yard on which the building is located. All buildings over one-hundred and twenty (120) square feet must be on a permanent foundation, either pier and beam or slab. Additional height may be granted upon approval of a Special Exception.

**G. PERMIT REQUIRED**

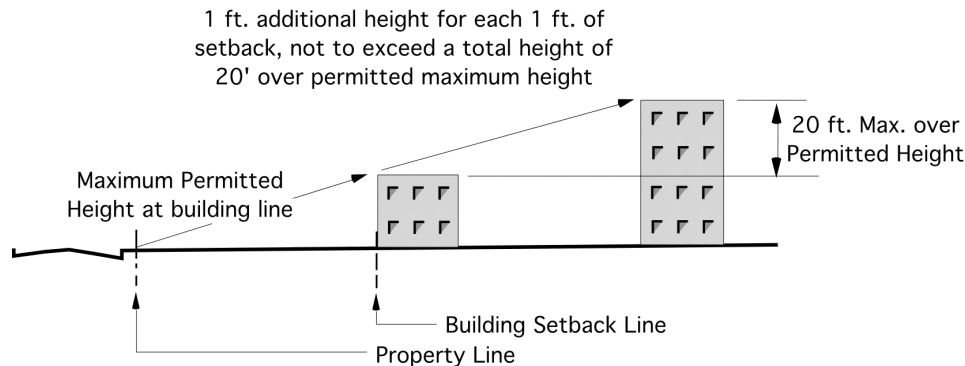
Building permits are required for any buildings over one hundred and twenty (120) square feet on any lot. The maximum number of detached storage buildings on the lot is two.

**Section 6-4 General Height Requirements**

**A. NONRESIDENTIAL STRUCTURES**

A non-residential building may exceed the permitted height in a zoning district by 20 feet if the following conditions are met:

1. A Site Plan is provided; and
2. For every one foot exceeding the maximum permitted height, an additional one-foot of setback is provided on the front, side, and rear yards. The height of a building shall not exceed 20 feet over the maximum permitted height established in the zoning district.
3. A building may exceed the height described in item 2 above only upon approval of a special exception.



**B. EXCEPTIONS**

Height regulations do not apply to steeples, domes, cupolas, or other architectural design elements usually required to be placed above the roof level and not intended for human occupancy.

**C. ANTENNAS**

For antenna and tower height regulations see Section 6-14, Wireless Communications Facilities.



**D. GENERAL YARD REQUIREMENTS**

The following general requirements provide additional criteria which apply to yard requirements in all zoning districts.

**E. PROJECTIONS OF STRUCTURAL FEATURES**

1. Ordinary sills, belt courses, cornices, chimneys, bay windows, buttresses and ornamental features may project not more than twelve inches into a required yard; and
2. Eaves may project not more than 36 inches into a required yard.

**F. PORTE-COCHERE**

A porte-cochere may project into a required side yard, provided every part of such porte-cochere is unenclosed except for necessary structural supports.

**G. DOUBLE FRONTAGE LOTS**

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless otherwise established by plat or by ordinance, in which case only one required front yard need be provided.

**H. RAILROAD SIDING**

1. Where the side yard abuts and is used for access to a railroad siding, the yard setback shall be zero (0) feet.
2. Where the rear yard abuts and is used for access to a railroad siding, the yard setback shall be zero (0) feet.

**Section 6-5 Temporary Uses and Special Events**
**A. GENERALLY**

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses and special events hereinafter enumerated shall not be deemed violations of this ordinance when conducted under the conditions herein provided.

**B. PERMITTED TEMPORARY USES**

The permitted temporary uses, the conditions of use, the zoning districts wherein the same shall be permitted, and approvals required are as follows:

1. Construction Office - Temporary field or construction offices and temporary building material storage areas to be used solely for on-premise construction purposes in connection with the property on which they are erected, or within the same platted subdivision may be permitted in all zoning districts when approved by the administrative official. The application for a temporary use permit shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing. Such permit shall be issued for temporary buildings on construction sites for a period of six (6) months, with a renewal clause for a similar period. Such buildings must be removed within 30 days after substantial completion or abandonment of such new construction to which they are accessory or upon the request of the administrative official or his/her designee.

2. Temporary outdoor sales on properties zoned C1, C2, I, and all non-residentially used property therein and in non-residential Planned developments may be permitted by the city enforcement officer for a period not to exceed 30 days upon the application and granting of a temporary use permit.
3. In no event shall such temporary uses be allowed for more than 30 consecutive days or more than once per year. All sales shall meet the special conditions, if any, imposed by the city enforcement officer and/or fire marshal for the protection of public interest and the welfare of the community.
4. No tent or similar structure shall be erected in any required setback or designated easement. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit. No outside use of property for sales will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.
5. The temporary outdoor sale of Christmas trees may be permitted, on those properties zoned C1, C2, I, and all non-residentially used property therein and in non-residential Planned developments, for a period of 40 days prior to Christmas Day. The administrative official shall issue a permit, with a refundable clean-up deposit of \$500.00, for such sale when it is found that there is available adequate off-street parking area, either improved or unimproved, as determined by the building official; and that location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4 following the Christmas holiday.
6. Carnivals and circuses may be allowed as a temporary use for a period not exceeding fourteen consecutive days. Such events shall be on a site in districts zoned C1, C2, I, and all non-residentially used property therein and in non-residential Planned developments. Adequate parking and sanitary facilities shall be made available to the satisfaction of the building official. No carnival or circus shall begin operation before 8:00 A.M. and operation shall cease before 11:00 P.M. on all nights except on Saturday when the event shall cease operation at midnight. The administrative official shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the administrative official's decision, the sponsor may appeal the requested use to the City Council.
7. Refreshment Stands (Temporary and Seasonal) – Refreshment Stands shall be exempt from the area and masonry requirements of the underlying zoning district; however, they are subject to setback and masonry requirements as may be required by the Building and Inspection Official.

**C. PERMITTED SPECIAL EVENTS**

For the purpose of this section, "Special Events" are defined as any activity or event meeting the following criteria:

1. The event of activity is carried on for a period of time not exceeding three consecutive days;

2. No retail sales are conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund-raising purposes in any zoning district;
3. Public assemblies carried on out-of-doors or in temporary shelters or tents.

**D. CONTENTS OF APPLICATION**

An application for approval of a temporary use or special event shall include the following information:

1. Detailed description of the event;
2. Exact location;
3. Expected attendance;
4. Anticipated number of automobiles and proposed methods of providing parking for the same;
5. Location and construction of any temporary signs to be used in connection with the event;
6. Exact dates of commencement and termination of the event;
7. Signed certification by the responsible party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to; and
8. A fee in accordance with the City of Mineola fee schedule.

**E. APPROVAL BY THE CITY COUNCIL**

Approval of a permit for temporary use or a special event must be approved by the City Administrator/Manager or his/her designee. The City Administrator/Manager or designee may elect, at his/her discretion, to forward any request to the City Council.

**Section 6-6 Home Occupations**

The purpose of the home occupation provisions is to permit the conduct of home occupations, which are compatible with the neighborhoods in which they are located.

**A. REGULATIONS**

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

1. Only the members of the immediate family occupying the dwelling shall be engaged in the home occupations.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
3. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation.
4. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

5. No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
6. The home occupation shall not create any greater vehicular traffic than normal for the district.
7. No signs of any kind shall be allowed on premises advertising a home occupation or service.

**Section 6-7 Off-Street Parking and Loading Requirements**

Whenever any ordinance, regulation, or plan, enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

**A. PARKING TABLE**

Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
<b>Residential</b>		
Single-Family Detached Units	2/ unit	None
Single-Family Attached Units	2/unit	None
Duplex	2 / unit	None
Townhouse, Condominium, Triplex, Quadruplex or Row House	3 / unit	None
Multi-Family	1.5 / 1 bed unit 2 / 2 bed unit 2.5 / 3 bed unit	None
HUD Code Manufactured Home	2 / unit	None

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
Boarding or Rooming House, Hotel or Motel / Residence Motel or Inn	1 / residential unit	1 additional space for 200 sq. ft. of Exhibit or Ballroom space, plus 1 space per 100 sq. ft. of Meeting Rooms, plus 1 space per 2.5 seats in Restaurant and Lounge
Retirement Housing: Ambulatory Independent Residents	1.5 / unit	None
Retirement Housing: Nursing Home Facilities	1 / 2 beds	None
Dormitory	1.5 / 2 occupants	None
Fraternity, Sorority, or Lodge	1 / 125 sq. ft.	none
<b>Public, Civic, Education</b>		
Church	1 / 3 seats in the sanctuary or auditorium	None
College or University	1 / 4 day students	None
Community Center	1 / 4 persons	None
Library	1 / 3 seats	None
Museum	1 / 500 sq. ft.	None
Public Assembly Hall	1 / 250 sq. ft.	None
Schools:		None
Elementary	1 / 25 students	
Junior High	1 / 18 students	
Senior High	1 / 5 students	
Trade	1 / 4 students	
<b>Amusement</b>		
Ballpark or Stadium	1 / 4 seats	None
Bowling Alley	5 / lane	None
Dance Hall, Exhibition Hall w/out fixed seats	1/100 sq. ft. of floor area	None
Outdoor Commercial Amusement	1 / 500 sq. ft. of site area exclusive of building	None
Pool Hall, Arcade, Other Indoor	1 / 100 sq. ft. of floor	None

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
Commercial Amusement	area	
Theater, auditorium	1 / 4 seats	None
<b>Automotive</b>		
Auto Parts Accessory Sales	1 / 300 sq. ft. of floor area	None
Auto Parts Repair Garage or Shop	1 / 350 sq. ft. of floor area	None
Auto Sales	1/800 sq. ft. sales floor or lot area	None
Car Wash (full –serve)	3 stacking spaces	None
Car Wash (self-serve or automatic)	3 stacking spaces/ wash bay	None
Service Station	Minimum of 6 + 2/employee	None
Vehicle or Machinery Sales (indoors)	1 / 500 sq. ft. of floor area	None
Wash bay	3 stacking spaces	None
<b>Commercial, Retail, Service</b>		
Barber/Beauty Salon	2/chair	None
Coin- Operated or Self- Service Laundry or Dry Cleaner	1 / 200 sq. ft. of floor area	None
Day Care or Day Nursery	1 / 5 pupils + 1/employee	1 space for drop-off /3 pupils
Driving Range	1 / 10 linear ft. of designated tee area	None
Eating or Drinking Establishment (no drive-through service)	1 / 2.5 seats	None
Eating or Drinking Establishment (with drive-through service and all others)	1 / 150 sq. ft. of floor area	None
Furniture, Appliance Sales or	1 / 600 sq. ft. of floor	None

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
Repair	area	
Indoor Retail Store or Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1/200 sq. ft.	None
Lodge or Fraternal Organization	1 / 125 sq. ft. of floor area	None
Miniature Golf	1 / tee	None
Mortuary or Funeral Home	1 / 4 seats in chapel	None
Outdoor Retail Sales	1 / 500 sq. ft. of site area, exclusive of building	None
Personal Service Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None
Shopping Center, Malls & Multi-occupancy uses (3-50 acres)	1 / 250 sq. ft. of floor area	None
Shopping Centers, Mall and Multi-occupancy use (over 50 acres)	1 / 300 sq. ft. of floor area	None
Veterinary Clinic	1 / 300 sq. ft. of floor area	None
<b>Medical, Professional</b>		
Bank and Savings & Loan or Other Similar Institution	1 / 300 sq. ft. of floor area	None
Hospital	1.5 / bed	None
Medical, Dental Clinic or Office	1 / 150 sq. ft. of floor area	None
Other Office or Professional Business	1 / 250 sq. ft. of floor area	None
Sanitarium, convalescent home	2/6 beds	
<b>Manufacturing, Industrial</b>		
Manufacturing or Warehousing	1 / 3 employees or 1 / 1,000 sq. ft. of floor area (whichever results in more spaces)	None
Mini-warehouse	1 / 3,000 sq. ft. of floor area	None

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Storage Yard	1 / 3 employees or 1 / 1,000 sq. ft. of floor area (whichever results in more spaces)	None

**B. RULES FOR COMPUTING NUMBER OF PARKING SPACES**

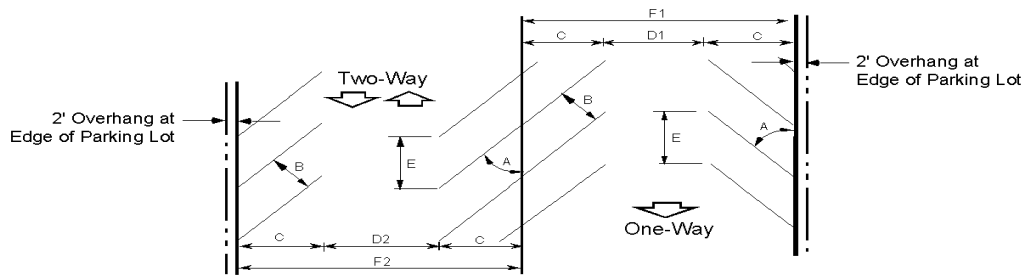
In computing the number of parking spaces required for each of the uses in this section, the following rules shall govern:

1. "Floor Area" shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

**C. GENERAL PARKING REGULATIONS**

1. **Reduction:** In cases where the applicant can provide documentation that parking spaces exceed the amount necessary for the use and that a reasonable alteration of spaces may be provided. Said reduction shall not represent more than fifteen percent (15%) of the total required spaces and shall require a special exception.
2. **Mixed Use Buildings:** Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use with the exception of shopping centers and multi-use purposes.
3. **Drive Lane Widths and Parking Space Sizes:** Drive lanes and parking space sizes shall be required as shown in the following illustration. A driveway for access to any non-residential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration. All drive approach widths shall be no less than those indicated in the below graphic. All two-way drive lanes shall be a minimum of twenty-four (24) feet in width. Parking spaces shall be nine (9) feet wide by eighteen (18) feet deep for all ninety (90) degree parking spaces. Angled spaces shall be as shown in the graphic.





Parking Angle (A)	Stall Width (B)	Stall Depth (C)	Min. Aisle Width		Aisle Length Per Stall (E)	Module Width	
			One-Way (D1)	Two-Way (D2)		One-Way (F1)	Two-Way (F2)
Parallel	8.0	8.0	12.0	18.0	22.0	28.0	34.0
45	9.0	19.1	12.0	24.0	12.7	50.2	62.2
60	9.0	20.1	18.0	24.0	10.4	58.2	64.2
90	9.0	18.0	24.0	24.0	9.0	60.0	60.0

4. **On-Premise Parking Required:** All required commercial and residential parking spaces shall be located on the premises to which such requirement applies or within an off-street space of which the distance is not more than one hundred feet (100') from such premises.
5. **Residential Parking Development Standards:** The following regulations shall apply to all residentially zoned districts and apply to any required front or side yard being used to park or store vehicles, including boats and trailers.
  - e. All vehicles, including RV's, campers, boats, or other trailer, which are parked or stored on private property in residential areas are to be on a concrete paved surface, asphaltic concrete, or pavers.
  - f. Residences located on properties two (2) acres or greater in size may have an alternate surface material upon authorization of the City Council or their designee.
  - g. Pavers are not to exceed one-half inch (1/2") above the surface of the yard in which they are placed to allow them to be properly mowed and trimmed around.
  - h. Vehicles are to be completely resting on such surfaces from the point they leave the public streets to the point upon which they are parked or stored.
  - i. All vehicles shall be so parked in relation to the street and dwelling at right angles and not to extend over any walkway or be closer than eight inches (8") from the back of the curb so they will not obstruct the pedestrian ways.
  - j. Any vehicle found in violation of this provision must be made operable or moved to an enclosed building within thirty (30) days from the notification of such condition existing. All repeat violations which occur at the same address within any subsequent 30 day period shall be subject to immediate penalties and/or fines as allowed by law.
  - k. No RV's, including campers, boats, or other trailer, may be stored or parked in any front or side yard driveway.

6. **Non-residential Parking Development Standards:** The off-street parking or loading facilities required for nonresidential uses mentioned in these regulations shall be approved by the City Engineer.
7. **Maintenance Requirements:** To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City Council.

**D. PARKING REGULATIONS FOR SPECIAL EVENTS AND OTHER ONE-TIME EVENTS**

"Special event" means a festival, celebration, performance or other such special event which occurs no more frequently than once per year, and which will or should be reasonably anticipated to attract patrons or visitors in such numbers as to exceed the capacity of the permanent parking spaces required and provided under other provisions of this section for the property upon which the special event is to be held. Events which are conducted more frequently than once per year are not considered "special events" under the provisions of this subsection, and the property upon which these events are conducted must conform to the other provisions of this Article concerning parking requirements.

1. The persons or entities conducting any such special event shall submit to the administrative official at least forty-five (45) business days prior to said event a plan for the accommodation and parking of vehicles of persons reasonably expected to attend such event. The plan must include, at a minimum, the following information:
  - a. A description and the address of the premises where the event is to be held;
  - b. A description and the address of any property, other than the premises described in (a) above, where parking is to be provided for patrons or visitors to the event;
  - c. The name and address of the owner of the premises upon which parking for the event is to be provided, and a statement describing the terms and conditions of the agreement whereby the owner of such premises has authorized their use for parking;
  - d. The dates and times that the event is to be held;
  - e. The measures which will be taken by the persons or entities conducting the special event to ensure safe and orderly traffic flow to and from the event site and any parking area;
  - f. A plan or diagram of the proposed layout of the parking scheme upon the property to be used for parking for such event.
2. All parking for any such special event shall be provided off street and on an area and surface reasonably anticipated to be dry and safe for vehicular and pedestrian traffic. No public property or rights-of-way may be utilized or included in such parking areas except upon express, prior written permission by the City Council.
3. Subject to the above requirements, the surface of such parking areas need not be paved or otherwise surfaced as required by the other provisions of this Article for permanent

parking areas, but it must be suitable for the type and amount of vehicular and pedestrian traffic reasonably anticipated for the special event at issue.

4. Upon submittal of the required parking plan to the City, the administrative official shall review it and shall advise the applicants whether any changes or modifications to said plan will be required. The administrative official has the sole discretion to approve or reject, or require modifications to, any parking plan required hereunder. No vehicles may be parked in any location not otherwise allowed under other subsections of this section, in connection with any special event, unless and until the Mayor or his/her designee has issued a written approval of the parking plan of the special event.
5. Such written permission may be revoked at any time by the Mayor or his/her designee if it is found that false or misleading information was contained in the proposed parking plan.

**E. HANDICAPPED SPACES**

All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102,

1. The dimensions of each "H" parking space shall be twelve (12) feet wide and eighteen (18) feet long.
2. Each and every "H" parking space required by this section of the parking regulations or by other applicable regulations shall be clearly identified as reserved for the handicapped.
3. The number of "H" parking spaces required shall be determined by the following table:

Total Parking Spaces Provided	Number of Accessible Spaces
1 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

**F. SINGLE FAMILY ATTACHED AND MULTI-FAMILY PARKING FACILITIES.....**

Common parking facilities for single family attached and multi-family structures shall meet the following criteria:

1. Each dwelling unit shall have its required parking spaces provided within 100 feet of a principal entrance to a single family attached structure and 150 feet of a principal entrance to a multi-family structure.
2. The parking facility shall be arranged so that a minimum of five (5) feet shall separate any parked car from a solid building wall and twenty (20) feet from a principal entrance.
3. In any residential district off-street parking provided at the rear of the lot shall be permitted to occupy any paved portion of the rear yard except that a minimum distance of twenty (20) feet shall separate the enclosed off-street parking spaces from an alley at the rear lot line.

**G. PARKING ACCESS REQUIREMENTS**

Parking areas which would require the use of public right-of-ways for maneuvering shall not be acceptable for the furnishing of required off-street parking spaces other than for single family detached and duplex dwelling structures. Parking parallel at the curb on a public street shall not be substituted for off-street requirements.

**H. NON-RESIDENTIAL OFF-STREET LOADING REQUIREMENTS**

Provisions for loading and unloading in non-residential districts shall be provided on the site according to the following regulations:

1. To facilitate the movement of traffic on the public streets, all retail, office and service buildings 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 a public alley or private service drive:
2. Individual loading space dimensions shall be required as a minimum to be thirty-five feet (35') in length, twelve feet (12') width with a height clearance of fifteen feet (15').
3. The number of off-street loading spaces shall be placed according to the following table:

<b>Square Feet of Gross Floor Area in Structure</b>	<b>Maximum Required Spaces or Berths</b>
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 Additional

**I. ADDITIONAL REGULATIONS**

Nothing in this section shall require the furnishing of additional parking spaces for buildings existing and used on the date of adoption of this ordinance. However, any enlargement or addition to an existing building shall not be approved unless such building and addition or enlargement shall be brought into full compliance with the provisions of this section.

When the occupancy of any building is changed to another use, parking shall be provided to meet the requirements for the new use.

**J. GENERAL DESIGN STANDARDS FOR PARKING STRUCTURES**

1. In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
2. The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the Subdivision Ordinance.
3. Ramps shall not be constructed with slopes exceeding fifteen percent (15%) and single lane entrances shall not be less than sixteen (16) feet wide at the street.
4. A minimum of one (1) car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
5. Parking structure facades shall be left fifty percent (50%) open and interior light levels shall be maintained at ten (10) foot-candles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
6. Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

**K. STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES**

1. A stacking space shall be an area on a site measuring eight (8) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces (from the right-of-way line).
3. For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces (from the right-of-way line) shall be provided.
4. For kiosks, a minimum of two (2) stacking spaces (from the right-of-way) for each service window shall be provided.
5. For drive-in cleaners, three stacking spaces for each drive-in window.

**Section 6-8 Sign Regulations**

The regulations established in this section are intended to provide minimum standards to safeguard life, property, and public welfare, and to regulate and control the use, materials, construction, location, number, maintenance, and the permitting of certain onsite signs and sign structures. In addition, the Ordinance is intended to enhance the beauty of the City by limiting visual clutter. The provisions of this section are not intended to permit a violation of any provision of any other ordinance or federal or state law.

**A. GENERAL STANDARDS**

1. Height of signs: Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.
2. Building & electrical codes applicable: All signs must conform to the regulations and design standards of the Building Code and other ordinances of the City of Mineola. Wiring of all electrical signs must conform to the electric code of the City of Mineola.
3. Illumination of signs: Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public right-of-way and surrounding property.
4. Requirement to repair: Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign to its original condition or, at the owner's election, such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this ordinance, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 50% of the cost of erecting a new sign of the same type at the same location.
5. Placement of signs: No sign may be erected or placed on public right-of-way. Any signs so erected or placed may be removed by the designated official without notice. No sign may be erected or placed on vacant lots or tracts unless written permission has been given by the property owner and such documentation is provided to the designated City Official.
6. Visual Obstruction: No sign shall, as determined by the City Administrator/Manager or a designee, be erected which constitutes an obstruction of view to operators of motor vehicles on public streets or entering such streets from private property.
7. Visibility triangle: No permanent or temporary sign shall be located to block visibility at any intersection of public roadways or intersection of public roadway with a private drive.
8. Noncommercial messages: Any sign authorized in this Ordinance is allowed to contain a noncommercial message in place of any other authorized message.
9. Authority to Enforce: The City Administrator/Manager is hereby authorized and directed to enforce the provisions of this ordinance and may order the removal of any sign erected

Zoning Ordinance

or maintained in violation of this ordinance. He shall give thirty (30) days notice in writing to the owner of such sign or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. He may remove a sign at cost to the owner, immediately and without notice, if, in his opinion, which shall be final, the sign presents an immediate threat of danger to the safety of the public.

Abandoned Signs: A sign shall be deemed abandoned when use of the sign ceases for a period of six months. All abandoned signs and their supports shall be removed upon notice from the City, within thirty (30) days upon notice. All damaged signs shall be repaired or removed within thirty (30) days, upon notice from the City.

**B. PERMANENT SIGNS TABLE**

No permanent sign shall be erected, placed, displayed or located except in accordance with the following table:

Permanent Signs Table						
TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	NUMBER OF SIGNS	REQUIREMENTS	SETBACK
Primary Wall (Attached)	Non-residential "C1", "C2", and "I"	10% of Primary wall area, only, 200 s.f. maximum	Top of parapet wall or roof eave height	Signage area can be composed of multiple signs	Only on 2 walls & no rear walls	
Secondary Wall (Attached)	Non-residential "C1", "C2", and "I"	50% of allowed Primary wall sign area, 100 s.f. maximum	Top of parapet wall or roof eave height	1 sign per secondary wall	Only on 2 walls & no rear walls	
Pole and Pylon	All non-residential uses and zoning districts <u>except</u> the MU district	Max. 300 sq. ft. St. Hwy Max. 200 sq. ft. all others	Max. 30' all locations 10' minimum from bottom of sign to ground	One sign per premise or per street frontage	Cannot be used with any other sign on premises; min. 50' from adjacent premises	10' – any part of sign
Individual Freestanding Monument	Non-residential "C1", "C2", "MU", "I"	80 s.f.	8 ft.	2 freestanding signs per street frontage, 4 maximum	Only monument signs, no pole signs	10' – any part of sign
Multi-tenant Freestanding Monument	Non-residential "C1", "C2", and "I"	32 s.f. per business	25 ft.	1 freestanding sign per street frontage, 2 maximum	Only monument signs, no pole signs	
Canopy sign (covering gas pumps, drive thru lanes or parking areas)	Non-residential "C1", "C2", and "I"	32 s.f.	Top of canopy fascia	On 2 sides of canopy only	Canopies <u>not</u> considered separate buildings for signage purposes	
Multifamily Entry Monument	Multifamily: "MF" districts	80 s.f.	7 ft.	1 per entrance	Lighting allowed	
Subdivision Entry Monument	Residential: "SF-12", "SF-7", "MU", and "MH"	50 s.f. each	7 ft.	1 <u>pair</u> per "main" entrance	Lighting allowed	
Reader Board	Non-residential "C1", "C2", and "I"	50 s.f.	7 ft. for freestanding, or on wall or face of primary structure	1 per premise	Lighting allowed and movable letters allowed	



**C. TEMPORARY SIGNS TABLE**

No temporary sign shall be erected, placed, displayed, or located except in accordance with the following table:

Temporary Signs Table					
TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	TIME LIMIT	REQUIREMENTS
Horizontal Banner	Non-residential "C1", "C2", and "I"	50 s.f.	Highest point of roof, Attached to building	20 days per year,	Only one allowed, No lighting
Vertical Banner	Non-residential "C1", "C2", and "I"	32 s.f.	25 ft. max., 6 ft. min. to bottom of vertical banner	20 days per year	50 ft. min. spacing, 100 ft. min. street frontage, 25' min. to side prop. Line
New Business "Coming Soon"	Non-residential "C1", "C2", and "I"	32 s.f.	Highest point of roof, Attached to building	During lease space finish out, 60 day max. or 30 day max. with no finish out	1 sign per lease space, on building, No lighting
New Business "Now Open"	MF-18, MF-24, Non-residential "C1", "C2", and "I"	32 s.f.	Highest point of roof, Attached to building	30 days from C.O.	Must be affixed to store front
Pennants	Not Permittable				
Balloons over 24" diameter	"MF-18", "MF-24", Non-residential "C1", "C2", and "I"	Not applicable	50 ft.	14 days	Only during Special Events or Grand Openings
Inflatable objects	"C1", "C2", and "I"	Not applicable	50 ft.	14 days	Only during Special Events or Grand Openings
Weekend Builders Advertising	All	6 s.f.	3 ft.	12 noon Friday till 12 noon Monday, except holidays	25 max., 5 ft. from curb, 200 ft. or 1 block apart, 40 ft. min. from intersection, No lighting
Political	All	---	---	---	As permitted by applicable state law
Church, charity & civic, <u>On</u> -Premises	All	32 s.f.	15 ft.	10 days prior to event & during event, 30 days max.	On private property, not on R.O.W., No lighting, Removed 24 hr. after event

<b>Temporary Signs Table</b>					
<b>TYPE OF SIGN</b>	<b>DISTRICTS PERMITTED</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>TIME LIMIT</b>	<b>REQUIREMENTS</b>
<b>Church, charity/civic, <u>Off-Premises</u></b>	All	12 s.f.	3 ft.	10 days prior event & during event, 30 days max.	On private property, not on R.O.W., No lighting, Removed 24 hr. after event
<b>US, Texas or Patriotic Flag</b>	All	32 s.f.	25 ft.	Not applicable	1 per flag type, No spacing requirements
<b>Decorative Flag (color only, Logo allowed, no text allowed)</b>	"MF-18", "MF-24" & "I"	6 s.f.	25 ft. max., 6 ft. min. to bottom of flag	Not applicable	Street frontage 0-150' 4 flags 151-200' 5 flags 201-250' 6 flags 251-300' 7 flags Over 300' 8 flags
<b>Real Estate Land Sale</b>	All	100 s.f.	15 ft.	Remove prior to development	1 acre min., 2 sign max., 1 sign per frontage, No lighting
<b>Residential Construction</b>	Residential: "SF-12", "SF-7", "MU", "MH", & "MF-18", "MF-24"	100 s.f.	15 ft.	Till project 80% complete	1 sign per major existing street frontage, No lighting
<b>Multifamily Units for Rent or Lease Banner</b>	"MF-18", "MF-24"	32 s.f.	Highest point of roof on building, or 15 ft. max. for free-standing signs	60 days per year, in 10 day periods	1 per street frontage maximum 2, No lighting allowed
<b>New Commercial Building</b>	Non-residential "C1", "C2", and "I"	100 s.f.	15 ft.	Till 80% complete	1 sign per major ex. street frontage, Lighting allowed
<b>Portable</b>	Non-residential "C1", "C2", and "I"	25 s.f. /side	8 ft. from ground at base of sign	15 day max. display with 90 days between display	80 ft. from any other portable sign

**D. PROHIBITED SIGNS**

The following signs are prohibited from installation, construction, repair, alteration, or relocation within the City, except as otherwise permitted in this Ordinance:

1. Roof signs
2. Unless permitted in Heritage Overlay Zone, portable signs, "A" Frame Signs, or Sandwich Board Signs except as used by Agencies and Departments of the City of Mineola for public service/safety announcements or information and then only with the approval of the Mayor or his/her designee.
3. Moving, flashing, animated, or rotating signs, signs with moving lights, or signs which create the illusion of movement, except for reader boards which convey a message.
4. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed on vehicles and trailers that are incidental to the primary use or ownership of the vehicle or trailer as transportation.
5. Signs attached to utility poles or other surfaces which are not the property of the utility or serve a public purpose located within a public right-of-way or easement.
6. Permanent off-premise signs, as defined by the Highway Beautification Act.
7. Off premise signs: Off premise signs shall be prohibited in the City of Mineola, unless permitted in the Heritage Preservation Overlay District, with the exception of builder's directional signs or instructional signs, when written permission has been given by the property owner and such documentation is provided to the designated City Official.
8. Painted signs: No sign shall be permitted to be painted on the wall of any building or on any part of a building.

**E. ONSITE SIGNS EXEMPT FROM REGULATION**

The following onsite signs are exempt from the provisions and regulations of this section:

1. Public signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
2. Signs on vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
3. Warning signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
4. Flags. Flags of governmental entities or non-profit organizations. Nothing in this Ordinance shall be construed to prevent the display of a national or state flag, or to limit flags, insignias, or legal notices, or informational, directional, or traffic signs which are legally required and necessary to the essential functions of government agencies.

5. Governmental signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
6. Address numerals. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation are allowed, provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation.
7. Athletic signs. Signs used as scoreboards in athletic stadiums.
8. Directional signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.
9. Directory signs. Signs which are located in or adjacent to entrances or foyers.
10. Instructional signs. Signs providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.

#### **F. PERMIT REQUIREMENTS**

Except as herein provided, no permanent onsite sign shall be erected, placed, displayed or located without first obtaining a sign permit from the City.

1. Application for Permit: Application for a permit for a permanent sign shall be made in writing upon forms furnished by the Administrative Official. Such application shall contain the location by street and address number of the proposed sign, height, area, sign function, as well as the name, address and phone number of the owner and sign contractor or erector. The Administrative Official may require the filing of plans or other pertinent information which, in the Administrative Official's opinion, is necessary to ensure compliance with this Ordinance.
2. Termination of Permit: A sign permit may be terminated in accordance with the following provisions:
  - a. A permit shall be active for the life of the sign, as long as it is in compliance with this Ordinance.
  - b. A permit shall be terminated if the sign for which it has been issued has not been constructed within one year from the date of issuance.
  - c. A permit issued for any sign including its supporting structure shall automatically terminate in the event the sign shall fail and not be corrected within 60 days.
3. Permit Fees: A sign permit fee shall be paid to the City in accordance with the most current fee schedule adopted by the City.

#### **G. NONCONFORMING ONSITE SIGNS**

Any existing onsite sign that does not conform to the regulations stated herein shall be deemed a nonconforming sign and shall be subject to the provisions of nonconforming uses as provided in the City of Mineola Zoning Ordinance. It is the declared purpose of this section that nonconforming

signs and signs directing attention to nonconforming uses eventually discontinue and the signage comply with the regulations stated herein, having due regard for the investment in such signs.

**H. REMOVAL OF NONCONFORMING ONSITE SIGNS**

The City Council may order nonconforming onsite signs which (1) are permanently affixed to the ground on the effective date of this Ordinance, (2) were erected in conformity with City ordinances in effect at the time of their erection and (3) remain in place after six months from the effective date of this Ordinance, to be removed upon and subject to compliance with Chapter 216, Texas Local Government Code.

**I. ONSITE SIGNS FOR A NONCONFORMING USE**

Any lawfully existing nonconforming use or building may erect and maintain a sign in accordance with the regulations contained herein.

**J. MERITORIOUS EXCEPTIONS AND APPEALS**

1. Generally, it is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this Article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.
2. Upon request of an interested party, the City Council, upon recommendation by the Planning and Zoning Commission, shall hear and shall seriously and fairly consider a request for a meritorious exception under this section.

**K. PROHIBITION.....**

All onsite signs not specifically authorized herein are prohibited. The Administrative Official shall have the authority to remove any sign in violation of this Ordinance which is not permanently affixed to the ground on the effective date of this Ordinance.

**L. SIGNAGE DEFINITIONS**

For the purposes of this section, the following definitions shall apply:

**Area of Sign.** The total area within the extreme rectangular perimeter of the attraction area intended to draw attention to the sign. Supporting structures shall not be included in calculations. The area of the sign with two faces, approximately opposed, shall be that of the larger face if such condition prevails; but, if the angle between the panes of the opposing faces exceeds 30 degrees, the total area of both faces shall be considered the sign area. For multisided or circular signs, the calculation shall include all of the projected area.

**Awning.** An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

**Banner.** A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

**Billboard.** A sign which directs attention to a business, person, organization, activity, event, place, commodity, product, or service conducted, sold, or offered at a location other than the premises on which the sign is located.

**Builder’s Directional Sign.** A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

**Canopy.** A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory, and which is open on two or more sides.

**Construction Sign.** A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

**Directory Sign.** A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

**Directional Sign:** A pole or ground sign that directs vehicular traffic. The sign may display arrows, words, or other symbols to indicate direction of facilities. No goods or services for sale may be listed.

**External Illumination.** Illumination of a sign by an artificial source of light which is not contained within the sign itself.

**Flag.** Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, non-profit organization, or corporation that is flown from flagpoles.

**Flashing Sign.** An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

**Gross Surface Area.** The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentation, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports becomes enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two faced (back to back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

**Ground Sign.** A sign not wholly supported on a building by two or more columns, poles, uprights, or braces which has its main supporting structure depending on the ground for attachment.

**Illuminated Sign.** A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide night time viewing of, the subject matter on the sign face.

**Illumination, External.** Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

**Illumination, Internal.** Lighting by means of a light, which is within a sign having translucent background, silhouetting opaque letters, or designs, on which letters or designs are placed, which are themselves made of translucent material.

**Incidental Signs.** Small signs of a non-commercial nature, intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.

**Inflatable Sign.** Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**Instructional Sign.** A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

**Logo.** Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

**Marquee.** Any hood or awning or permanent construction projecting from the wall of a building or other structure containing either permanent or changeable advertising.

**Menu Board.** A sign displaying the menu for a drive-up window for a food establishment.

**Monument Sign.** A permanent ground sign generally constructed out of brick, stone, or cast concrete supported on a concrete foundation across the entire base of the structure.

**Moving Sign.** A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

**Nameplate Sign.** An on-premise non-illuminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

**Off-Premise Sign.** A sign which directs attention to a business, person, or commercial enterprise, offering or selling a commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.

**On-Premise Sign.** A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

**Pennant.** A wind device usually made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

**Permanent Sign.** A sign which is fixed in nature that is erected, affixed, or maintained on a premises for a period of time which is regulated by Table 1, Schedule for Permanent Signs.

**Pole Sign (also called pylon sign).** A freestanding ground sign supported by one or more poles columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

**Political sign:** A temporary sign, that contains primarily a political message pertaining to any national, state, county, or local election that supports or opposes an announced candidate, political party, or issue of political significance. Such sign shall be governed solely by applicable state laws. "Political sign" does not include a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

**Portable Sign.** Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

A sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;

An "A-frame" type sign;

A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;

A sign suspended or attached to a stand with an inverted "T" base; and

Any sign that the base is inserted into a sleeve mounted or driven into the ground, which can be easily extracted from, said sleeve by simply lifting or removing bolts.

**Premises.** A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Wood County. Multi-tenant locations shall be considered as being one premise.

**Projecting Sign.** A sign suspended from a building or structure and projecting out more than one foot.

**Pylon Sign.** See pole sign.

**Qualified Street Frontage.** The width of property along the street of a commercial or industrial development which bears the address of the property.



**Reader Board Sign.** A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

**Real Estate Sign.** A sign relating to the sale, lease or rental of the premises upon which such a sign is placed.

**Roof Sign.** A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support, and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Sandwich Board Sign.** An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top, each angular face held at an appropriate distance by a supporting member.

**Search Light.** A large outdoor lighting apparatus used to attract attention to a business or a specific location.

**Secondary Sign.** A sign located on-premise identifying individual uses in a mixed-use multi-tenant commercial shopping center.

**Sight Triangle.** An area of unobstructed visibility on either corner of a street and/or driveway of at least 25 feet in any direction.

**Sign.** Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or non-illuminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile.

**Street Grade.** The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

**Suspended Sign:** A sign that is suspended, parallel, or perpendicular from a building wall, façade, canopy, porch or free standing poles by means of brackets, hooks, or chains and the like.

**Temporary Event.** An event such as a "grand opening," or a "going out of business sale" which lasts for a period of time not to exceed 60 days

**Temporary Sign.** A non-permanent sign designed or intended to be displayed for a short period of time erected, affixed, or maintained on a premise. Trailer and portable signs are classified as temporary signs.

**Vehicular Sign.** Any sign, not including bumper stickers, on or in a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or lettering of company vehicle that advertises only the company name,

address, and/or logo, or temporary signs (with an area less than 3 feet) attached to vehicles which may be removed daily.

**Wall Sign.** A sign attached or affixed to an exterior wall of a building or structure or dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported, and not extending more than 12 inches from said wall. A wall sign shall be constructed so that copy is replaced without removing the sign face from the wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall.

**Warning Sign.** A sign containing no advertising material, warning the public of the existence of danger.

**Window Sign.** A sign attached to, placed upon, or painted on the exterior or interior of a window or door of a building, which is intended for public viewing from the exterior of such building.

**Yard Sign.** Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service which has been performed on premise, or construction / repair that has been performed on premises.

## Section 6-9 Screening and Buffer Requirement

### A. PURPOSE

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

### B. LOCATION OF REQUIRED SCREENING

1. When a boundary of a non-residential use sides or backs upon an SF-12, SF-7, MD, MU, MH, or MF-18, MF-24 Districts, a solid screening wall or fence of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties.
2. The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district.
3. The entire area occupied by a salvage yard shall be surrounded by a continuous screening wall or fence.
4. Unless otherwise provided for herein, a screening wall or fence required under the provisions of this section shall be constructed of a permanent, solid material. Such wall or fence shall not contain openings constituting more than forty (40) square inches in

each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. The fence or wall may be constructed of a combination of wood, masonry, decorative iron, or a combination thereof.

5. All wall or fence openings shall be equipped with gates compatible in height and screening characteristics to the wall or fence.
6. In cases where City Council finds this requirement to be better met by a screen of living, irrigated plant materials, a landscape plan may be submitted in lieu of a screening wall. Such landscape screening must be no less than four (4) feet deep and must demonstrate screening characteristics equal to that of a masonry-screening wall.
7. In cases where City Council finds this requirement better met by a decorative fence or a combination of decorative fence and masonry screening wall and/or living plant materials, the same may be submitted to the City for approval along with a landscape plan.
8. All required screening walls shall be equally finished on both sides of the wall.
9. Required walls or fences shall not be constructed of chain link, barbed wire or other similar materials.
10. Electric fences are not permitted in any zoning district. Existing electric fences shall be removed at the time that property ownership is transferred.
11. All required screening elements shall be permanently maintained by the nonresidential property owner.
12. Dumpsters and trash receptacles located on non-residentially zoned property and on sites used for non-residential purposes shall be located on a concrete pad constructed for that purpose. Said dumpsters and trash receptacles shall be screened on three sides by a masonry wall and shall contain a solid self-latching gate. The masonry wall shall be of similar construction as the principle building. Non-decorative concrete block shall not be permitted. A screening device shall be erected along side and rear property lines adjacent to residential districts. The screening device shall be a minimum height of eight (8) feet, unless otherwise approved by City Council.

## Section 6-10      Fencing

### **A. GENERALLY**

No fence, wall or outdoor area enclosure structure, may be erected, placed or altered within the city unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this section.

### **B. DEFINITIONS**

For the purposes of this section, the following definitions shall apply:

**Alternate orientation.** Created when a structure located on a corner lot is constructed to face the street frontage not normally associated to be the front of the lot.

**Corner lot.** A lot, tract or parcel which abuts two streets at their intersection, with the longer street frontage being the side of the lot.

**Corner orientation.** Created when a structure located on a corner lot is constructed to face the intersection, diagonally across a lot, rather than a traditional orientation toward one of the intersecting streets. In cases of corner orientation, both sides of the lot along the street frontages are to be treated equally as front yards.

**Decorative fence:** A fence or outdoor area enclosure constructed for aesthetic purposes only constructed of material such as wood pickets, lattice work, decorative metal, masonry or stone, meeting the requirements of this section.

**Electrical fence:** An outdoor area enclosure that contains an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.

**Fence:** An outdoor area enclosure of masonry, wood, chain link, plaster or other approved building material no more than three inches in thickness, serving to enclose, divide or protect an area.

**Front building setback:** Minimum required front yard setback as specified under Section 4-1, A Agricultural District through Section 5-1 PD-Planned Development District.

**Key lot:** An interior lot, tract or parcel which sides to the rear of one or more lots, tracts or parcels.

**Nonresidentially zoned areas:** Any land within the city zoned for nonresidential uses: C-1, C-2 or I.

**Office, business or industrial park / complex enclosure (including entry features):** A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose or protect an office, business or industrial park/complex.

**Outdoor area enclosure:** Any fence, wall or structure of various materials designed to serve as an enclosure of an outdoor area, a barrier or boundary, or to otherwise divide or protect an area.

**Privacy/ security enclosures:** Fences, walls or structures located on individual lots, tracts or parcels for the purpose of enclosing an outdoor area for privacy or security purposes.

**Residential subdivision enclosures (including subdivision entry features):** A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose, divide or protect a residential subdivision.

**Residential zoned areas:** Any land within the city zoned for residential uses: SF-12, SF-7, MF-18, MF24, MD, MU and MH.

**Wall:** An outdoor area enclosure of masonry, wood, plaster or other approved building material that exceeds three inches in thickness, serving to enclose, divide or protect an area.

**Visibility triangle.** An area as defined in the subdivision ordinance of the City, located at the intersection of two streets, access easements or alleys or any combination thereof where no structure, growth or object shall exceed two feet in height.

**C. RESIDENTIAL USES**

In residentially zoned districts, fences, walls and outdoor area enclosure structures may be erected if in accordance with the following regulations:

1. Privacy/ security enclosures.
2. Privacy/security enclosures may be fences or walls,
3. Maximum height shall not exceed seven feet,
4. May be erected upon the rear lot line of any lot.
5. May be erected upon the side lot lines of any interior lot in accordance with the required front yard setback.
6. Privacy/ security enclosures may be erected no closer than seven (7) feet of side property line of corner lots, provided the corner lot does not back up to a key lot.
7. Privacy/security enclosures may be erected no closer than fifteen (15) feet from a side property line of corner lots backing up to key lots.
8. Decorative fences.
  - a. Decorative fences shall not be walls.
  - b. Maximum height shall not exceed four feet.
  - c. Solid surface area of any decorative fence shall not exceed 30 percent of the total surface area.
  - d. Decorative fences may be erected upon any residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easement, or floodway.
  - e. Decorative fences may be allowed within the visibility triangle with a maximum height of two feet.
  - f. Decorative fences, greater than two feet in height, must be set back from the front and side lot lines a minimum of seven feet.
  - g. Decorative fences shall contain openings or breaks for access when located in front yards, so that no more than 75 percent of the total frontage is bounded by the a decorative fence or gate;
  - h. Decorative fences shall be constructed of wood picket, lattice work, or decorative metal, with or without masonry and/or stone elements and
  - i. Decorative fences shall not be constructed of chain link, barbed wire or similar enclosure materials.
9. Residential Subdivision Enclosures (including subdivision entry features).
  - a. All residential subdivision enclosures shall be walls or combination of decorative fences as approved by the Development Assistance Committee.
  - b. All residential subdivision enclosures shall be constructed with minimum 10 foot by 20 foot brick columns set on piers with a maximum spacing of 10 feet on center. Infill material between brick column shall be brick, pressure-treated lumber, plaster, iron or other approved material.
  - c. Maximum height of subdivision enclosures shall not exceed seven feet.

- d. Walls enclosing residential subdivisions may be erected along rear property lines and along the side property lines exceeding the required front yard setback; provided that such encroaching structure does not exceed the required two foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements or floodway.
- e. Allowed only for subdivisions containing 10 or more lots.
- f. Plans for all residential subdivision enclosures shall be reviewed and approved by the development assistance committee.

**D. NONRESIDENTIAL USES**

In nonresidential zoning districts, fences, walls and outdoor area enclosures may be erected if in accordance with the following regulations:

- 1. Privacy / security enclosures
  - a. Privacy /security enclosures may be fences or walls.
  - b. Maximum height shall not exceed eight feet.
  - c. May be erected on the rear lot line of any lot, tract or parcel,
  - d. May be erected upon the side lot line of any lot, tract or parcel provided that no fence may be erected to extend into the required front building setback without specific development assistance committee approval.
  - e. No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements or floodway,
- 2. Decorative fences.
  - a. Decorative fence shall not be walls.
  - b. Maximum height shall not exceed four feet.
  - c. Solid surface area of any decorative fence shall not exceed 30 percent of the total surface area.
  - d. Decorative fences may be erected upon any nonresidential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easements or floodway.
  - e. Decorative fences may be allowed within the visibility triangle with a maximum height of two feet.
  - f. Decorative fences shall contain openings or breaks for access when located in front yards, so that no more than 75 percent of the total frontage is bounded by the a decorative fence or gate;
  - g. Decorative fences shall be constructed of wood picket, lattice work, or decorative metal, with or without masonry and/or stone elements and
  - h. Decorative fences shall not be constructed of chain link, barbed wire or similar enclosure materials.
- 3. Office Business or Industrial Park or Complex Enclosure (including entry features).
  - a. All enclosures shall be walls. Fences, as defined herein, shall not be allowed.

- b. All enclosures shall be constructed with minimum 10 inch by 20 inch brick columns set on piers with a maximum spacing of 10 feet on center. Infill material between brick columns shall be brick, pressure-treated lumber, plaster, iron or other approved material.
- c. Maximum height of all enclosures shall be eight feet.
- d. Walls enclosing nonresidential developments may be erected along rear property lines.
- e. Walls enclosing nonresidential developments may be erected upon rear property lines and along the front and side property lines to extend into the required front yard setback; provided that such encroaching structure exceeds the required two foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements or floodway.
- f. Allowed only for subdivisions containing four or more lots.
- g. Plans for park or complex enclosures shall be reviewed and approved by the development assistance committee.

#### **E. MISCELLANEOUS USES**

The following regulations shall apply to zoning districts of the city as applicable:

1. Screening: Live screening using natural growth or planted vegetation shall be allowed within the city under the following provisions:
  - a. No tree, shrub, hedge or other vegetation shall be so planted, pruned or otherwise maintained to exceed a height of two feet within the defined visibility triangle or street right-of-way.
  - b. Any tree, shrub, hedge or other form of vegetation located within the public right-of-way, utility easement, or visibility triangle shall be subject to removal (without compensation) by the authority of the city for the purpose of utility maintenance and public safety.
2. Barbed wire: Except as provided below, the use of barbed wire as an enclosing material is prohibited within the city:
  - a. Authorized in the AG, agricultural zoning district.
  - b. Authorized when attached to the top of a minimum six-foot high security fence in the C, or I zoning district classifications.
  - c. Authorized in all zoning district classifications if the use of the land is that of animal husbandry.
3. Electrical fences: Except as provided below, the use of electrical fencing is prohibited within the city:
  - a. Electric fences are allowed within the C, and I zoning districts and within the AG, SF-12 and SF-7 zoning districts if the land is used for animal husbandry.
  - b. The electrical fence must be located a distance of at least six inches inside a nonelectric fence.
  - c. Electrical fences shall be UL-approved and installed and maintained as per manufacturer's instructions.

- d. Electrical fences shall have posted signs on all sides spaced at not more than 50 foot intervals: "DANGER, ELECTRIC FENCE."
- e. Electric fences not in compliance with the above are hereby declared a nuisance per se and must be immediately removed.

**F. PERMITS REQUIRED**

Prior to construction of any outdoor area enclosure, a permit shall be obtained from the building official. An application shall be accompanied by a scaled drawing and shall accurately reflect all proposed outdoor area enclosure structures, all easements, building setback lines and visibility triangles. Residential subdivision enclosures, office, business or industrial park/complex enclosures and any privacy/security enclosure constructed as a wall within any nonresidential zoning district shall have detailed drawings submitted with an application. Upon approval of the application by the development assistance committee (when applicable) and payment of the permit fee, a permit shall be issued for construction. If the permit holder fails to comply with the provisions of this ordinance, the permit shall be revoked, the fence considered a nuisance per se and immediately removed.

<b>Section 6-11</b>	<b>Masonry Exterior Requirements</b>
---------------------	--------------------------------------

**A. NON-RESIDENTIAL DISTRICTS**

- 1. Materials for exterior facades for the principal building or structure shall be of masonry construction as defined herein. Brand name materials such as Eifs, Hardi Plank, and Dryvit are acceptable surfaces.
- 2. All principal buildings and structures located in the C-1, C-2, zoning districts shall be constructed of exterior fire resistant material having at least eighty (80) percent of the total exterior walls, excluding doors, windows, and porches, as masonry construction. Other materials, which are characteristic of recognized architectural styles may be permitted upon approval by the City.
- 3. For architectural design or creativity or for compatibility with surrounding structures, other materials which are equivalent to the standards set forth in this ordinance may be permitted by the City. Unique architectural presentation as established by franchise entities may be acceptable and permissible upon approval of the City Council upon recommendation by the Planning and Zoning Commission.
- 4. Existing non-conforming primary structures that are expanding the footprint of the building or modifying the exterior walls must meet the 80% minimum masonry requirement of the total exterior walls, excluding doors, windows, and porches, as masonry or masonry-like construction prior to issuance of a new certificate of occupancy.
- 5. Existing non-conforming primary structures that do not meet the 80% minimum masonry requirement and are not expanding the footprint of the building or modifying the exterior walls shall have a minimum of 30% of the total exterior walls, excluding doors, windows, and porches, as masonry or masonry-like construction prior to issuance of a new Certificate of Occupancy.



**Section 6-12 Landscape Requirements****B. PURPOSE**

1. It is the purpose of this section to establish certain regulations pertaining to landscaping within the City. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:
2. Promote the value of property, enhance the welfare, and improve the physical appearance of the City;
3. Is the intent of this section to reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and
4. It is the intent of these landscape regulations to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City of Mineola.
5. These landscape regulations establish requirements in the MF-18, MF-24, C-1, C-2, I, zoning districts
6. Non-residential uses located within the SF-12, SF-7, MD, MU, MF-18, MF-24 and MH. zoning districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this section. A balance between the need for landscape treatments and the need for commercial growth in the City.

**C. LANDSCAPING DEFINITIONS**

**Buffer Yard.** A buffer yard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between, land uses to eliminate or minimize conflicts between them.

**Building Footprint.** The area of the building in contact with the ground.

**Caliper.** Diameter of the trunk measured one foot (1') above ground level.

**Canopy Trees.** A perennial woody plant single or multiple trunks, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

**Development.** The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

**Enhanced Pavement.** Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped and stained concrete.

**Ground Cover.** Low growing, dense spreading plants typically planted from containers.

**Interior Lot Area.** The area of the lot remaining after subtracting out the area included in the buffer yards.

**Landscape Architect.** A person registered as a Landscape Architect in the State of Texas pursuant to state law.

**Landscape Area.** An area covered by natural grass, ground cover, or other natural plant materials.

**Lawn Grasses.** Thin bladed surface growing plants typically planted from seed, sprigs, or plugs.

**Licensed Irrigator.** A person duly licensed by the State of Texas to design and install irrigation systems.

**Permeable Pavement.** A paving material that permits water penetration.

**R.O.W. Parkway.** That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

**Seasonal Color.** Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

**Shrubs.** Plants that grow vertically in a mufti-branched growth pattern.

**Understory/Accent Trees.** Small evergreen or deciduous perennial woody plants, which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

#### **D. EVENTS CAUSING COMPLIANCE**

1. Land uses not previously subject to landscaping requirements may be required to comply with this section upon the occurrence of one of the following events:

A change in zoning;

- f. Requirement of landscaping as conditions of a Specific Use Permit;
- g. Issuance of a building permit; or
- h. Loss of legal non-conforming status.

#### **E. LANDSCAPING GENERALLY**

1. Landscape installation required
  - a. Twenty (20) percent of the total lot shall be required. Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants, in addition to grass, may reduce the landscape requirement to 10 percent of the total lot

area. Landscaping which consists of grass only will require 20 percent of the total area to be landscaped.

- b. Twenty (20) percent of the total land area in any lot upon which development or construction occurs for any use after the effective date of this ordinance shall be landscaped in accordance with this section.
  - c. Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.
2. Landscaping Plan Required
  3. The landscape plan may be prepared by the applicant, or his/her designee. The landscape plan is not required to be prepared by a registered or certified professional.
  4. A landscaping plan shall be submitted to the city for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit.
  5. The landscape plan shall contain the following information:
    - a. Drawn to scale; Minimum scale of one inch equal 50 feet;
    - b. Location of all trees to be preserved, method of preservation during the construction phase of development shall be approved by the City Administrator or his/her designee.
    - c. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
    - d. Species of all plant material to be used;
    - e. Size of all plant material to be used;
    - f. Spacing of plant material where appropriate;
    - g. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
    - h. Description of maintenance provisions of the landscape plan;
    - i. Persons responsible for the preparation of the landscape plan.

**F. LOCATIONAL CRITERIA**

1. Not less than 40 percent of the total landscaping shall be located in the designated front yard.
2. In the I zoning district only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.
3. All landscape material shall comply with visibility requirements of the Mineola Subdivision Regulations.

**G. CREDITS TOWARD LANDSCAPING REQUIREMENTS**

1. Grass is an appropriate landscape material. However, a variety of plant material is recommended. Credits toward the landscaping requirements may be granted in the following manner:
2. Additional Enhancement Credit may be obtained by providing the following optional landscaping elements.

<b>Landscape Area Credit</b>	
<b>Landscape Element</b>	<b>Amount of Area Credit</b>
For each 3 inch tree	200 sq. ft.
For each 6 inch tree	400 sq. ft.
For each existing 6inch tree protected and kept	800 sq. ft.
For each one-gallon shrub	10 sq. ft.
For each five-gallon shrub	25 sq. ft.
For each sq. ft. of flowering beds	2.5 sq. ft.
For each sq. ft. of xeriscape area	5 sq. ft.
For each sq. ft. of landscaped R.O.W.	0.5 sq.ft.

3. In no instance shall the total amount of landscaping on a lot be reduced through credits by more than 50 percent of the landscaped area required by this ordinance.
4. Xeriscaped area shall be clearly located and detailed on the site plan. In addition, the xeriscape methodology shall be detailed on the site plan.
5. A flowering bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition in order to be considered for credit calculations, at least 80 percent of the prepared area must be covered with flowering plant material at the time of peak growth.
6. Caliper of trees is to be measured at a point 12 inches above top of ground.
7. In order to receive credit for protecting and keeping existing trees, the area within the dripline of the tree must be protected by fencing during grading and construction.

**H. INSTALLATION AND MAINTENANCE**

1. All required landscaped area shall be permanently landscaped with living plant material, and shall have an irrigation system installed. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this ordinance.
2. Landscaped areas shall be kept free of trash, litter, weeds, and other such materiel or plants not a part of the landscaping.

3. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
4. Plant materials which die shall be replaced with plant material of similar variety and size within 90 days period, with a one time extension not exceeding 90 days being provided upon approval of the City Council.

#### **I. LANDSCAPING OF PARKING LOTS**

It is the intent of these landscape regulations to encourage design and construction of parking areas so that in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space are landscaped. The following minimum requirements shall be observed:

1. A minimum of 10 percent of the gross parking area shall be devoted to living plant material. Gross parking area shall be measured from the edge of the parking and/or driveway paving and sidewalks.
2. Landscaped areas within parking lots shall be located so as to best relieve the expanse of paving.
3. The placement of additional landscaped islands throughout the parking area in a manner which best relieve large expanses of paved area is encouraged.
4. Landscape material which is located within the interior of a parking lot shall be surrounded by a curb of four inches in height.
5. Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 30 inches in height and seven feet in height. No shrubs shall exceed 30 inches in height. Tree canopies shall be at least seven feet in height.
6. For large existing trees located in the parking area, which is being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
7. For each landscaped island of at least 10 feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking requirement by more than 20 percent or to less than ten total spaces.

#### **J. LANDSCAPING AS RELATED TO CERTIFICATE OF OCCUPANCY**

1. All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the planning and zoning commission director of community development or his designee.
2. If these landscaping requirements have not been satisfied within the 90 days six month period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this the zoning ordinance of the City of Mineola, and shall be subject to the penalties established herein. A one-time extension not to exceed six (6) months may be granted upon approval of the City Council.

#### **K. NONCONFORMING LANDSCAPING CONDITIONS**

Developments, structures, and uses that are in existence at the time of the adoption of this ordinance, which do not meet the landscape requirements provided herein, will be considered as being legal nonconforming. These nonconforming uses/structures will be subject to section 31, Nonconforming Uses and Structures of the Mineola Zoning Ordinance, unless otherwise provided for in this section.

**L. RELIEF FROM LANDSCAPING REQUIREMENTS**

Upon completion of the following, relief from landscaping requirements may be granted in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements of this ordinance:

1. The applicant shall provide the City Council with an alternative landscape plan for review and approval.
2. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide a phasing schedule for completing the plan.
3. The installation of landscaping as indicated by the landscape plan is completed and approved by the City.

**M. LANDSCAPING IN THE MF DISTRICTS**

The following minimum requirements shall be observed for development located within the MF-18 and MF-24 districts.

1. A landscape buffer of 20 feet will be required along any property line abutting a residentially zoned district.
2. Not less than 20% of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets.
3. Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway.
4. The method of irrigation must be indicated on site plan.
5. All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this ordinance die, the owner of the property shall have ninety days after notification from the City to obtain and install a suitable replacement plant material. Landscaped area shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.

**N. APPROVED AND RECOMMENDED PLANT LIST**

Approved/Recommended Plant List An “ * ” indicates an approved street tree	
Common Name	Scientific Name
Canopy Trees	
Ash, Texas	Fraxinus texensis
Cedar Elm	Ulmus crassifolia
Cedar, Eastern Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Elm*, Lace Bark	Ulmus parvifolia
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	Acer gradidentatum
Maple, Caddo	Acer saccharum
Oak, Bur	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergil
Oak, Escarpment Live	Quercus fusi formis
Oak, Lacey	Quercus glaucoides
Oak, Live	Quercus virginiana (Escarpment)
Oak, Post	Quercus stellata
Oak, Red	Quercus shumardi
Oak, Texas Red	Quercus texana
Osage Orange	Maclura pomifers (thornless and fruitless)
Pecan (native)	Carya illinoensis
Pistache*, Chinese	Pistacia chinensis
Soapberry, Western	Sapindus drummondii
Walnut, Black	Juglans nigra

Approved/Recommended Plant List An “ * ” indicates an approved street tree	
Common Name	Scientific Name
Ornamental Trees	
Buckeye, Mexican	Ungnadia speciosa
Buckeye, Texas	Aesculus glabra var. arguta
Buckthorn, Carolina	Rhamnus caroliniana
Chaste Tree*	Vitex agnus-castus
Crabapple, Prairie	Pyrus ioensis
Crape Myrtle*	Lagerstroemia indica
Eves Necklace	Sophora affinis
Goldenball Leadtree	Leucaena rietusa
Hawthorne*	Crataegus phaenopyrum
Hawthorne*	Cratoegus crus-galli
Hawthorne*	Cratoegus reverchonii
Holly, Possumhaw	Ilex decidua
Indigo, False	Amorpha fruticosa var. angustipolic
Mountain Laurel, Texas	Sophora secundiflora
Persimmon, Texas	Diospyros texana
Plum, Mexican	Prunus mexicana
Redbud	Cercis canadensis
Smoketree	Cotinus obovatus
Smoketree*	Cotinus caggyria
Sumac, Prairie Flame-leaf	Rhus lanceolata
Viburnum,Rusty Blackhow	Viburum rufidulum
Wax Myrtle	Myrica cerifera
Willow, Desert	Chilopsis linearis



Approved/Recommended Plant List An “ * ” indicates an approved street tree	
Common Name	Scientific Name
Yaupon Holly	Ilex vomitoria
Shrubs	
Agarita	Berberis trifoliolata
Althea	Hibiscus syriacus
American Beautyberry	Callicarpa americana`
Aspidistra	Aspidistra eliator
Barberry, Red	Berberis thunbergii
Barberry, Texas	Berberis thunbergii
Bayberry	Myrica pensylvanica
Bird of Paradise	Caesalpinia gilliesii
Burning Bush	Euonymus alata compacta
Butterfly Bush	Buddleia sp.
Cactus, Prickly Pear	Opuntia phaceacantha
Cenizo	Leucophyllum frutescens
Chokeberry, Red	Aronia arbutifolia
Coralberry	Symphoricarpos obiculatus
Dogwood, Rough Leaf	Cornus drummondii
Elaeagnus	Elaeanus macrophylla
Forsythia	Forsythia sp.
Germander, Upright	Teucrium chamaedrys
Holly, Dazzler	Ilex cornuta 'Dazzler'
Holly, Dwarf yaupon	Ilex vomitoria
Holly, Nellie R. Stevens	Ilex x 'Nellie R. Stevens'
Honeysuckle, Bush	Lonicera fragrantissima
Hydrangea, Oakleaf	Hydrangea quercifolia

Approved/Recommended Plant List An “ * ” indicates an approved street tree	
Common Name	Scientific Name
Hypericum, Upright	Hypericum patulum
Jasmine, Italian	Jasmine nudiflorum
Lantana	Lantana horrida
Mahonia, Leatherleaf	Mahonia bealeii
Mimosa, Fragrant	Mimosa borealis
Nandina, Compact	Nandina domestica compacta
Nandina, Gulfstream	N.d. 'Gulfstream'
Nandina, Standard	N. domestica
Pavonia	Pavonia lasiopetala
Photinia, Chinese	Photinia serrulata
Privet, Southern River	Ligustrum vulgare
Privet, Variegated	Ligustrum luicidum 'variegata'
Quince, Flowering	Chaenomeles japonica
Sage, Cherry	Salvia greggii
Spiraea, Bridal Wreath	Spiraea sp.
Spiraea, Anthony Waterer	Spiraea x bumalda 'goldflame'
Spiraea, Goldflame	Spiraea x bumalda 'goldflame'
Spiraea, Little Princess	Spiraea x bumalda 'Little Princess'
Spiraea, Shirobana	Spiraea japonica 'Shirobana'
Sumac, Aromatic	Rhus aromatica
Sumac, Evergreen	Rhus virens
Sumac, Smooth	Rhus glabra
Turk's Cap	Malvaviscus drummondii
Viburnum, Cranberry Bush	Viburnum opulus

Approved/Recommended Plant List An “ * ” indicates an approved street tree	
Common Name	Scientific Name
Viburnum, Small Leaf	Viburnum obavatum
Viburnum, Snowball	Viburnum opulus
Virginia Sweetspire	Itea virginica
Wax Myrtle, Dwarf	Myrica pusilla
Yucca, Red	Hesperaloe parviflora

**Section 6-12      Tree Preservation**

The purpose of the tree ordinance is the preservation of mature trees and natural areas. It is intended to protect trees during construction, development, and redevelopment, to control the removal of protected trees when necessary. It also establishes rules for replacement and replanting of trees which had been necessarily removed during construction. This article shall protect any property from indiscriminate clearing and maintain and enhance a positive image as well as attract new business enterprises to the City.

1. The terms and provisions of this article apply to all real property as follows:
2. All new subdivisions of land at the time of preliminary and/or final platting;
3. All re-platting of undeveloped land;
4. All un-platted and undeveloped tracts of land greater than five (5) acres;
5. All non-residential parcels of land at the time of site plan approval.

**A. DEFINITIONS**

**Buildable Area.** That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool, and other construction as shown on a site plan.

**Building Pad.** The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

**Critical Root Zone.** The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

**Construction Drawings.** Engineering or architectural drawings, which have been prepared by an authorized individual and approved by the authorized authority, that describe in detail by measurements and specifications the method and manner in which a device, building, utility street, or physical alteration to land or structure is to be accomplished.

**Drip Line.** A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

**Limits of Construction.** A delineation on the graphic exhibit which shows the boundary of the area within which all construction activity will occur.

**Protection Fencing.** Snow fencing, chain link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four-foot (4') approximate height.

**Tree.** Any self-supporting woody perennial plant which will attain a trunk diameter of three (3") inches or more when measured at a point twelve (12") inches above ground level and normally attains an overall height of at least twenty feet (20') at maturity, usually with one (1)

main trunk and many branches. It may appear to have several stems or trunks as in several varieties of oaks.

**Tree, Protected.** A tree defined as being an approved tree by the City that should be saved due to individual characteristics of the tree, or a tree which has a diameter of eighteen (18") inches or greater measured twelve (12") inches above ground. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to ½ the diameter of each additional trunk.

#### **B. TREE REMOVAL PERMIT**

1. General: No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this article without first obtaining a tree-removal permit unless otherwise specified in this article.
2. New Development: All developments which have not submitted final plats as of the effective date of this article shall be subject to the requirements for tree protection and replacement specified herein.
3. Residential Subdivisions: All area within public right-of-way, utility easements, or drainage easements as shown on an approved final plat, and areas designed as cut/fill on the master drainage construction plan approved by the City engineer or his/her designee shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements and shall indicate how protected trees may be save.
4. Non-Residential Developments: All area within public right-of-way, public utility or drainage easements as shown on an approved final plat, and the fire lanes, parking areas, and areas within twelve feet (12') of the building foundation as shown on an approved site plan shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.
5. Private Property:
  - a. Agricultural: Property zoned "AG", agriculture, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
  - b. Homeowners: The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this article as it pertains to that residential property.
  - c. Building/Contractors: All builders who have not submitted a request for a building permit as of the effective date of this article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve inches (12") of the building foundation as shown on an approved plot plan shall be exempt from the tree protection and replacement requirements of this article. All other areas of the lot shall be subject to these requirements.
6. Exemptions: A tree removal permit and tree protection and replacement requirements shall not be required if the following conditions exist:
  - a. Damaged/Diseased Trees: The tree is dead, diseased, damaged beyond the point of recovery or in danger of falling.

- b. **Public Safety:** The tree creates unsafe vision clearance or conflicts with other ordinances or regulations or the tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety, or welfare.
- c. **Utility Service Interruption:** The tree has disrupted a public utility service due to tornado, flood or other acts of God. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.

**C. PERMIT REVIEW AND APPROVAL PROCESS**

- 1. **Authority of Review and Approval:** The City Administrator/Manager or designee shall be responsible for the review and approval of all requests for tree removal permits and replacements thereof. If the City Administrator/Manager deems it necessary, he/she may require a permit request to be reviewed by the City Council.
- 2. **Application Process:** Permits for removal or replacement of trees covered herein shall be obtained by making application on a form provided by the City, to the City Administrator/Manager. The application shall be accompanied by a site plan, a preliminary plat or other graphic representation showing the exact location, size (trunk diameter and height), and common name of all protected trees and indication of which trees are to be covered.
- 3. **Fees:** The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Mineola.

**D. REQUIRED APPLICATION:**

The application shall be accompanied by a written document indicating the reasons for removal or replacement of trees and a copy of a legible site plan, preliminary plat, or other graphic representation drawn to the largest practical scale indicating the following:

- 1. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
- 2. Existing and proposed site elevations, grades and major contours.
- 3. Location of existing or proposed utility easements.
- 4. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.
- 5. The site plan shall include street address, lot and block, subdivision name, City and date of preparation. The site plan shall state the name, address, and telephone number of the owner and person preparing the exhibit if different from the applicant.

**E. APPLICANT REVIEW:**

Upon receipt of the proper application, the City Administrator/Manager or designee shall review the application, or if it is deemed necessary, forward the application to the City Council. Following a review and inspection, the permit will be approved, disapproved, or may be approved with conditions by the City Administrator/Manager or the City Council.

**F. PERMIT EXPIRATIONS:**

Permits shall be valid for ninety (90) days after the issue date on the permit. Permits which are issued in conjunction with a building permit or a site plan approval, shall be valid for the same time frame as such permits are valid.

**G. APPEAL OF CITY ADMINISTRATOR/MANAGER DECISION:**

Decisions of the City Administrator/Manager or designee may be appealed to the City Council.

**H. TREE REPLACEMENT REQUIREMENTS**

In the event that it is necessary to remove protected tree (s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree (s) being removed with comparable trees from the City's approved tree list (*See Section 6-12, Landscape Regulations*). A sufficient number of trees shall be planted to equal, in caliper, the diameter of the trees removed. Said replacement trees shall be at least three (3") inches in caliper when planted and shall be from a list of approved replacement trees maintained by the City.

**I. TREE PROTECTION**

1. **Tree Protection:** During any construction or land development, the developer shall clearly mark those trees to be protected and may be required to erect some protective device to ensure protection of said trees. The protective barrier must be maintained during all construction until the project is finished.
2. **Material and Equipment Storage:** The developer shall not store any material or equipment within the critical root zone of the protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line of the trees or under the canopy of the tree. Materials include but are not limited to oils, paint, solvents, mortar, asphalt, and concrete.
3. **Signs:** No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
4. **Traffic:** No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of the protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine moving operations.
5. **Grade:** No grade change in excess of four (4") inches shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved beforehand.
6. **Paving:** No impervious paving with asphalt or concrete shall be placed within the critical root zone of a protected tree.

**J. TREE PLANTING RESTRICTIONS**

1. Overhead Lines: Any required replacement shall not be planted within an area such that the mature canopy of the tree will interfere with overhead utility lines.
2. Underground Lines: Any required replacement trees shall not be planted within an area such that the mature root zone of the tree will interfere with underground public utility lines. No tree shall be planted within ten (10') feet of a fire hydrant.

**K. ENFORCEMENT**

1. Developers Agreement: No developer agreement shall be approved unless the agreement states that all construction activities shall meet the requirements of the tree preservation ordinance.
2. Building Permit: No building permit shall be issued unless the applicant signs an application permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance.

**L. PENALTY**

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction hereof shall be fined in accordance with the general penalty provision found in Section 1-15 of this Code. The unlawful destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty in accordance with the general penalty provision found in Section 1-15 of this Code per caliper inch of width of the protected tree (s) payable to the City of Mineola, Texas.

**Section 6-14 Wireless Communication Facilities**

**A. PURPOSE**

Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety, and general welfare of the citizens of the City. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

**B. WIRELESS COMMUNICATIONS FACILITIES DEFINITIONS**

The following definitions shall apply:

**Antenna.** A device used in communications which transmits or receives radio signals.

**Antenna, building attached.** Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be



mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

**Antenna Facility.** A building or independent support structure with the antennas mounted thereon, along with an associated and necessary equipment building.

**Antenna, Microwave.** Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

**Antenna, Panel.** Also known as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular devices approximately six square feet in size.

**Antenna, Whip.** Also known as "omni-directional antenna". Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and eighteen feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

**Co-Location.** The act of locating wireless communications equipment from more than one provider on a single antenna facility.

**Equipment Storage.** A small unmanned, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

**Monopole.** An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

**Lattice Tower.** A tower having three or four support steel legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

**Satellite Receive-Only Antenna.** An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

**Stealth Facility.** An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment

### **C. RESIDENTIALLY ZONED DISTRICTS - AMATEUR RADIO EQUIPMENT AND TV ANTENNAS**

Amateur radio equipment, including ham radio and CB equipment and personal use TV antennas, shall be allowed in the residential zoning districts if they comply with the following regulations:

1. Antenna facilities may be building attached, monopoles, or lattice towers;
2. Up to 3 antenna facilities may be located on a lot of record, co-location is encouraged;

3. An antenna facility, exclusive of the height of any antenna or mast, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations contained in *Section 6-3, Accessory Building Regulations*. Regardless of the above, the maximum height for a tower permitted without a Special Exception in any residential district shall be sixty five (65) feet;
4. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a Special Exception;
5. An antenna not fastened to a antenna facility shall not exceed 50 feet without a Special Exception, except for an antenna which does not extend more than eight feet above a building on which it is mounted;
6. A antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
7. Setbacks:
  - (a) Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;
  - (b) Guy wires are permitted in required side and rear yards;
  - (c) Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts;
8. Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;
9. Antenna facilities shall not be permitted in any easement;
10. Lights: No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
11. Construction standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
12. Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- 13 No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;

14. No permit shall be issued for the installation of an antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;
15. A Special Exception must be obtained in the residential zoning districts for any antenna facility which does not comply with the regulations specified hereinabove.

**D. RESIDENTIALLY ZONED DISTRICTS - COMMERCIAL RADIO EQUIPMENT AND TV ANTENNAS**

Only building attached antenna shall be allowed in residentially zoned districts under the following conditions:

1. A Special Exception must be obtained from the Board of Adjustment. See *Section 1-13, H, Authorized Special Exceptions*;
2. The proposed antenna must be attached to or enclosed in an existing structure currently or last occupied by a non residential use as listed in *Section 3-1, Permitted Use Table*. Or attached to a power or telephone pole, water storage tower, or other utility structure;
3. The antenna must not exceed eight (8) feet above the structure to which it is attached;
4. A minimum of one thousand five hundred (1,500) feet of separation shall be required between antenna facilities;
5. If attached to the exterior of a structure or a power or telephone pole, water storage tower or other utility structure the antenna must be at least seventy-five (75) feet above grade and painted to match the structure to which it is attached;
6. The antenna may be placed lower than seventy-five feet (75') above grade if completely enclosed within existing architectural elements of a building so as not to be visible;
7. Any associated equipment storage building shall be screened from public view by a decorative masonry wall, with landscaping for aesthetic purposes;
8. All driveways accessing any antenna facility site or equipment storage site shall be constructed of an all weather hard surface as approved by the City Engineer;
9. Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
10. Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Towers must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such towers, antennas or masts must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
11. Maintenance: Antennas, obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within thirty (30) days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare;
12. No part of an antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna;

13. No permit shall be issued for the installation of an antenna, on a structure or property unless a notarized statement of permission from the owner is presented to the Building Department;

**E. NON-RESIDENTIAL DISTRICTS.....**

Radio, television, microwave broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature shall be allowed in the nonresidential zoning districts if it complies with the following regulations:

1. Up to 3 antenna facilities may be located on a lot of record, co-location is encouraged;
2. Antenna facilities shall be limited to building attached and monopoles only;
3. An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the zoning district regulations herein. Regardless of the above, the maximum height for an antenna facility permitted without a Special Exception in any nonresidential district shall be 65 feet;
4. With the exception of stealth facilities, the height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed 65 feet in height without a Special Exception;
5. With the exception of stealth facilities, an antenna shall not extend more than eight feet above a building on which it is attached;
6. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
7. Setbacks: With the exception of stealth facilities, antennas and antenna facilities shall not be permitted in front or side yards;
8. Antenna facilities shall not be permitted in any easement;
9. Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
10. Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;

11. Maintenance: Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
12. No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
13. No permit shall be issued for the installation of an antenna or antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;
14. A Special Exception must be obtained in nonresidential zoning districts for any antenna or tower, which does not comply with the regulations, specified hereinabove.
15. Stealth facilities, which meet the definition of stealth as provided in *Section 6-14, Wireless Communications Facilities Definitions* shall be exempt from the height and location requirements of this section. In addition, the City Council shall be the final authority as to whether or not any facility meets the definition of “stealth”.

**F. SATELLITE RECEIVE-ONLY ANTENNAS.**

1. Satellite Receive-Only Antennas Generally. Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this ordinance when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined
2. Satellite Receive-Only Antennas. A satellite receive only antenna shall be allowed if it complies with the following:
  - a. The satellite receive-only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non federal land use regulations or;
  - (d) The satellite receive-only antenna is less than one meter in diameter in any residential zoning district.
3. Large Satellite Receive-Only Antennas. Satellite receive-only antennas that are greater than one meter in diameter in residential districts or greater than two meters in diameter in non-residential districts shall be allowed in any zoning district if they comply with the following regulations:
  - a. Only one satellite receive-only antenna per lot of record;
  - b. A satellite receive-only antenna shall not exceed ten feet in height;
  - c. Set backs:
  - d. Front and side: Satellite receive-only antennas shall not be permitted in front or side yards;
  - (e) Rear: Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts;

- (f) Separation: There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record;
- (g) Satellite receive-only antennas shall not be permitted in easements;
- (h) Lights: No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- (i) Construction standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas;
- (j) Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- (k) No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna;
- (l) No permit shall be issued for the installation of a satellite receive-only antenna on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department;
- (m) All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened;
- (n) A Special Use Permit must be obtained for any satellite receive only antenna which does not comply with the regulations specified hereinabove.

**G. SPECIAL EXCEPTION RELIEF FROM REGULATIONS**

1. A Special Use Permit must be obtained for any antenna, tower, and/or satellite receive-only antenna which does not comply with the regulations specified in this section, herein above. In considering whether to grant a Special Use Permit from the regulations specified above, the following shall be considered:
2. The effect on the value of the surrounding property;
3. The potential for interference with the enjoyment of the use of surrounding properties;
4. Aesthetics;
5. The necessity of the Special Exception for the public health, safety, and welfare of the citizens or for governmental purposes;

6. The zoning district and the adjoining zoning districts of the property for which the Special Exception is sought;
7. The provisions of 47 C.F.R. § 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:
  - a. Have a clearly defined health, safety or aesthetic objective; and
  - b. Further the stated health, safety, or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers;
8. The unique conditions that govern reasonable reception on any given lot;
9. To properly evaluate all applications to locate commercial antennas or towers which do not comply with the regulations specified hereinabove the following information must be provided by the applicant:
  - a. Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height;
  - b. Provide photos or drawings of all equipment, structures and antenna;
  - c. Describe why the antenna or tower is necessary;
  - d. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;
  - e. Indicate if this antenna or tower site is to be connected to other sites; and if so, describe how it will be connected and who will be the backhaul provider;
  - f. The applicant must address whether or not they have made an effort to co-locate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Please identify the location of these existing sites. If yes, please describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators, which confirm the statements provided. Indicate whether or not the existing sites allow or promote co-location and, if not, describe why not;
  - g. Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;
  - h. If the requested location is in a residential district the applicant must address whether or not they have made an effort to locate the facility in a commercial or industrial district. Please identify the location of these commercial and or industrial district sites. Please describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided;

- i. Indicate the proposed provider's current coverage area for the City. Attach maps showing the areas the proposed provider's existing antennas currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover.
- j. Describe the applicant's master antenna and tower plan for the City. Attach maps and other related documentation. Provide information indicating each phase of the plan.
- k. Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the City.
- l. The City Council will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:
  - m. Applicant will permit co-location of others at the site;
  - n. Applicant will configure its antenna and other equipment to accommodate other providers;
  - o. Applicant will identify its backhaul provider connecting antenna sites; and
  - p. Applicant will give notice to the city identifying any providers who co-locates to the site and identify their backhaul provider.

**H. WRITTEN REPORT UPON DENIAL OF REQUEST**

The City of Mineola shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

<b>Section 6-15</b>	<b>Garden (Patio) Homes</b>
---------------------	-----------------------------

**A. LOCATION ON LOT**

- 1. Garden (patio) home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten feet. A minimum (5) five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. The combined area of all structures shall not exceed sixty-five (65) percent of the lot area.
- 2. Front Yard Setback: The minimum front yard shall be fifteen (15) feet, provided that in no case shall a garage or carport fronting onto a street be less than twenty (20) feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of ten (10) feet for lots facing cul-de-sac or loop streets not exceeding four hundred (400) feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be twenty-five (25) feet. A minimum lot depth of sixty-five (65) feet, as measured from front building line to the rear lot line, shall be maintained.



3. Rear Yard Setback: The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) feet for any two story structure. If access is from an alley, the minimum setback will be twenty (20) feet for garages or carports.
4. Side Yard Setback: The minimum side yard shall be zero (0) feet except that there shall be at least ten (10) feet of separation between structures. When garden (patio) homes are constructed with a zero (0) side yard, five (5) feet on the lot adjacent to the zero (0) setback shall be dedicated as an access easement for the zero (0) setback garden (patio) home. There shall be a minimum of twenty (20) feet from any property line adjacent to a street.
5. Lot Frontage: The minimum frontage of any garden (patio) home shall be twenty-five (25) feet on residential streets and thirty-five (35) feet on collector and thoroughfare streets.
6. Lot Area: The minimum lot area for any development lot for garden (patio) homes shall be two thousand eight hundred (2,800) feet.
7. Maximum Length of Structures: No zero lot line structure shall have an overall length exceeding two hundred and fifty (250) feet.
8. Maximum Height of Structures: No structure shall exceed two (2) stories or thirty-five (35) feet in height.

#### **B. PARKING**

Two (2) off-street spaces per dwelling unit plus one-half (1/2) space per dwelling unit for visitor parking within six hundred (600) feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

#### **C. COMMON AREA MAINTENANCE**

To insure the long term maintenance of common land and facilities in patio home developments, the following shall be required:

1. Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent area and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.
2. The HOA or other similar management entity shall be organized as a non-profit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be Procedures for changing them at stated intervals, Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rate formula for all property owners.

#### **D. USEABLE OPEN SPACE REQUIREMENTS**

1. Each parcel of land developed under patio home standards shall provide usable open space totaling ten percent (10%) of the area of a patio home development.
2. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios.
3. The ten percent (10%) shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan.) At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

**E. ADDITIONAL LANDSCAPING**

In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

<b>Section 6-16</b>	<b>Outdoor Lighting Requirements</b>
---------------------	--------------------------------------

**A. APPLICABILITY**

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this section, the Building Code and the Electrical Code of the City of Mineola as applicable and under appropriate permit and inspection. These lighting standards shall apply to all non-residential uses in the City of Mineola. Lighting for residential uses in the MU district shall be governed by the regulations provided in *Section 4-5, MU – Mixed Use District*. Unless otherwise stated, this ordinance does not regulate lighting in public road rights-of way.

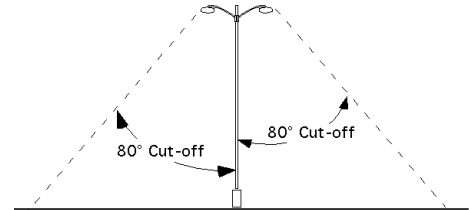
**B. OUTDOOR LIGHTING PLAN**

An Outdoor Lighting Plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including rights-of-ways, public easements, franchises and utility easements for approval by the Building Official. An Outdoor Lighting Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

1. A layout of the proposed fixture locations.
2. The light source.
3. The luminous area for each proposed light source with proposed foot candle measurements.
4. The type and height of the light fixture or of the light source above grade.
5. The type of illumination.

**C. GENERAL LIGHTING REQUIREMENTS**

1. Unless otherwise provided herein, illumination, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended.
2. Unless otherwise provided herein, all building lighting for security or aesthetics will be fully-shielded type, not allowing any upward distribution of light. Wallpack type fixtures are acceptable only if they are fully-shielded with 80° cut-off.
3. No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, a nuisance shall be defined as more than one-tenths (0.1) of one foot-candle of light measured at the residential property line and twenty-five hundredths (0.25) of one foot-candle at any adjoining non-residential property line.
4. Shielding shall be required in all outdoor lighting installations as specified below.



Lamp Type	Shielding
Low Pressure Sodium (LPS)	Fully Shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully Shielded, with 80° cut-off
Metal Halide	Fully Shielded, with 80° cut-off
Halogen	Fully Shielded, with 80° cut-off
Mercury Vapor	Fully Shielded, with 80° cut-off
Fluorescent	Fully Shielded, with 80° cut-off
Incandescent	Fully Shielded, with 80° cut-off
Any light source 50 watts and under	Unshielded Permitted
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted

**D. ILLUMINATION**

1. Measurement: Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted IESNA methods.
2. Computation of Illumination: Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp

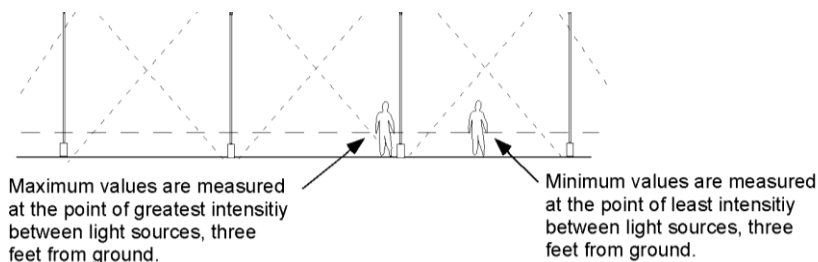
manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.

3. Measurement: Illumination levels of outdoor lighting shall be measured by a qualified professional
4. Limitations on neighboring property. The limit of illumination on neighboring property from one (1) establishment shall be by zoning of the neighboring property. Maximum computed or measured footcandles at the neighboring property line shall not exceed:

Footcandles	
Land Use Type	Horizontal
Single-family and two-family residential districts.	0.1
Non-residential districts	0.25

**E. NON-RESIDENTIAL LIGHTING PARAMETERS**

1. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for non-residential districts site security.
2. Floodlights, accent, aesthetic and security lights must be fully shielded and no uplighting shall be permitted except that lighting of 75 watts or less are excepted if necessary for security purposes.
3. Parking lots and vehicle movement areas shall not exceed a maximum illumination value of 10 foot-candles nor a minimum illumination value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 100 watts. Total pole and fixture height shall not exceed a maximum of 32 feet, measured from grade at the base. Taller poles may be considered in some situations upon approval of a Special Exception by the Board of Adjustments.



4. Display, building and aesthetic lighting must be externally lit from the top and shine downward. The lighting must be fully-shielded to prevent direct glare and/or light trespass. The lighting must also be substantially contained to the target area.
5. Limitations on establishment property. The maximum outdoor initial computed or measured illuminance level on the establishment property shall not exceed twenty (20) foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed forty (40) footcandles.

**F. PUBLIC AND SEMI-PUBLIC RECREATIONAL FACILITIES**

1. Any light source permitted by this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
2. Any illumination level exceeding a maximum of twenty (20) foot-candle must receive prior approval by the Board of Adjustments.
3. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
4. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

**G. PROHIBITED LIGHTING ELEMENTS**

Unless otherwise authorized, the following shall be prohibited except upon prior approval of a Special Exception by the Board of Adjustments.

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
2. Searchlights: The operation of searchlights for advertising purposes is prohibited.
3. Floodlights: The use of floodlights is prohibited.
4. Uplighting of display, building and aesthetic lighting is prohibited.
5. Halogen Lights.

**H. EXEMPTIONS**

1. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries.
2. All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this section, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
3. Any luminaire of 75 watts or less provided the accumulated illumination of 50 watt luminaries does not exceed 75 watts.
4. Seasonal decorative lighting.
5. Uplighting of any City of Mineola, State of Texas or United States of America flag.

**I. TEMPORARY EXEMPTIONS**

1. Upon approval by the Administrative Official, temporary exemptions from the requirements of this ordinance for a period not to exceed 30 days may be approved.
2. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall contain the following information:
  - a. Specific exemption (s) requested;
  - b. Type/use of outdoor lighting fixture involved;
  - c. Duration of time requested;
  - d. Type of lamp and calculated footcandles;
  - e. Total wattage of lamp(s);
  - f. Proposed location of fixtures;
  - g. Previous temporary exemption requests;
  - h. Physical side of fixtures and type of shielding provided; and
  - i. Such other data or information as may be required by the City Administrator/Manager's designee.
3. Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Administrative Official.
4. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

**J. NON-CONFORMING LIGHTING.....**

All luminaries lawfully in place prior to the date of the Ordinance shall be considered as having legal non-conforming status. However, any luminaire that replaces a legal non-conforming luminaire, or any legal non-conforming luminaire that is moved, must meet the standards of this ordinance.

<b>Section 6-17</b>	<b>Manufactured Housing Parks</b>
---------------------	-----------------------------------

**A. SITE REQUIREMENTS.....**

Any development redevelopment, alteration, or expansion of a Manufactured Housing Park in the City shall be done in compliance with the following site requirements:

1. **Location.** A Manufactured Housing Park shall be located only where such use is permissible under the terms and provisions of the Zoning Ordinance.
2. **Site Plan.** A site plan, shall be filed with the Planning Director of the City, showing the following:
  - (a) The area and dimensions of the tract of land;
  - (b) The number, location, and size of all manufactured housing spaces;
  - (c) The location, width, and specifications of roadways and walkways;

- (d) The location and specifications of water and sewer lines and riser pipes;
  - (e) The location and details of lighting and electrical systems;
  - (f) The location and specifications of all buildings constructed or to be constructed within the park;
  - (g) Such other information as municipal reviewing officials may reasonably require.
3. **Soil and Ground Cover.** Exposed ground surfaces in all parts of every Manufactured Housing park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
  4. **Drainage.** The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a competent professional engineer.
  5. **Lot Area.** All HUD-code manufactured homes shall be so located that there shall be maintained a minimum of 30 feet between each unit and the adjoining unit, and 7.5 foot to the property line. A minimum of 15 feet shall be maintained between any unit and an existing road right-of-way.
  6. **Screening.** The Manufactured Housing Park shall be screened from view of all adjacent residential areas by a fence of not less than 8 foot in height. The frontage of the Manufactured Housing Park shall be landscaped to provide a screening effect from the public roadway.
  7. **Skirting.** Skirting or the underpinning of the unit shall be installed within 30 days of the application for a Certificate of Occupancy.

**B. ACCESS AND TRAFFIC CIRCULATION.....**

All Manufactured Housing parks shall provide access and means of motor vehicle and pedestrian traffic circulation as follows:

1. **Access.** Motor vehicle entrances and exits shall be designed for safe and convenient traffic movement from adjacent public streets and onto internal streets.
2. **Internal Streets.** Internal streets shall be privately built and maintained, and shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents.
  - (a) All internal streets shall be constructed according to Mineola construction requirements and approved by the City’s engineer.
  - (b) All internal streets shall be maintained in good repair.
  - (c) On all internal streets, roads or driveways designed or intended to provide access to two or more spaces, there shall be twenty (20) feet of pavement width unobstructed for vehicular access at all times. .
  - (d) In the event such streets, roads or driveways are intended to be used also for vehicle parking, a parallel parking space shall be deemed to have a minimum width of eight (8) feet and no such parking space shall occupy or encroach upon the minimum unobstructed access herein above prescribed.

3. **Street Specifications.** Internal streets shall be constructed following the specifications in City of Mineola Subdivision Regulations.

**C. MANUFACTURED HOUSING SPACES**

The area of the manufactured housing space shall be improved to provide adequate support for the placement of the manufactured housing, thereby securing the superstructure against uplift sliding, rotation and overturning due to frost action, inadequate drainage, vibration or other forces acting on the structure. Each manufactured home shall be secured with FHA/HUD or TDHCA approved or anchor system to prevent overturning.

**D. WATER SUPPLY**

1. **General Requirements.** An accessible, adequate, safe and potable supply of water shall be provided by following the specifications in City of Mineola Subdivision Regulations in each Manufactured Housing Park with the following exceptions:
2. **Water Distribution System:**
  - (a) The water supply system of the Manufactured Housing Park shall be connected by pipes to all manufactured housing, buildings, and other facilities requiring water.
  - (b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be approved by the Building Official.
  - (c) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of back flow or back siphon.
3. **Individual Water Riser Pipes and Connections:**
  - (d) Individual water riser pipes shall be located within the confined area of the manufactured hme space at a point where the water connection will approximate a vertical position.
  - (e) Water riser pipes shall extend at least four (4) inches above ground elevation. The pipe shall be at least three-quarter inch. The water outlet shall be capped when a manufactured home does not occupy the space.
  - (f) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.



**E. SEWAGE DISPOSAL**

1. **General Requirements.** An adequate and safe sewerage system shall be provided, by following the specifications in City of Mineola (Subdivision Regulations in all Manufactured Housing Parks with the following exceptions.
2. **Sewer Lines.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade, which will insure a velocity of two feet per second, when flowing full. All sewer lines shall be constructed of materials approved by the Building Official, shall be adequately vented, and shall have watertight joints.
3. **Individual Sewer Connections:**
  - (a) Each manufactured home lot shall be provided with at least a four-inch diameter sewer riser pipe. Each sewer line shall be equipped with a two-way cleanout between the dwelling and the sewer drain. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured housing drain outlet will approximate a vertical position.
  - (b) The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe only without any branch fittings. All joints shall be watertight.
  - (c) All materials used for sewer connections shall be semi-rigid, corrosion resistant nonabsorbent and durable. The inner surface shall be smooth.
  - (d) The sewer riser pipe shall be plugged when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

**F. ELECTRICAL DISTRIBUTION SYSTEM**

1. **General Requirements.** Every park shall contain an electrical system that is installed and maintained in accordance with all current applicable Electric Utility or NEC requirements.

**G. SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES**

1. **General.** The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities, such as management offices, maintenance and storage areas, and sanitary or laundry facilities.
2. **Required Community Sanitary Facilities** Every park shall be provided with emergency sanitary facilities consisting of not less than one (1) flush toilet and one (1) lavatory per sex which shall be accessible to all Manufactured Housing.
3. **Structural Requirements for Buildings**
  - (a) Service buildings shall be protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of moisture and weatherproof materials and construction.
  - (b) All rooms containing sanitary or laundry facilities shall:

- Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent waterproof material or covered with moisture resistant material.
  - Have at least one window, which can be easily opened, or an adequate mechanical ventilation device.
- (c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (d) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every toilet and urinal.
4. **Barbecue Pits, Fireplaces, Stoves, Open Fires.** Cooking shelters, barbecue pits, fireplaces, and wood burning stoves shall be so located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance. No open fire shall be permitted except in approved facilities. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

#### **H. REFUSE HANDLING**

1. The storage, collection and disposal of refuse in the Manufactured Housing Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
2. All refuse shall be stored in fly proof, watertight rodent-proof containers, which shall be located not more than 300 feet from any space. Containers shall be provided in sufficient number and capacity to properly store all refuse.
3. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

#### **I. INSECT AND RODENT CONTROL**

1. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the City Health Department.
2. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
3. The growth of brush, weeds, and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

#### **J. FUEL SUPPLY AND STORAGE**

##### **1. Natural Gas System.**

- (a) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

- (b) Each space provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

**2. Liquefied Petroleum-Gas Systems.**

- (a) Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes of the City governing such systems and regulations of the Texas Railroad Commission pertaining thereto.
- (b) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (c) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the Manufactured Housing and shall be maintained in effective operating condition.
- (d) All LPG piping outside the Manufactured Housing shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in Manufactured Housing.
- (e) Liquefied petroleum gas containers installed on a space shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 12 nor more than 60 U.S. gallons gross capacity.
- (f) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet carport, Manufactured Housing, or any other structure, unless such installations are approved by the Building Official.

**K. FIRE PROTECTION.....**

- 1. Manufactured Housing parks shall be kept free of litter, rubbish, and other flammable materials.
- 2. Portable fire extinguishers rated for classes A, B and C fires shall be kept in service buildings and shall be maintained in good operating condition. Their capacity shall not be less than 5 pounds.

**L. MISCELLANEOUS REQUIREMENTS.....**

**1. Responsibilities of the Park Management:**

- (a) The licensee or his agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The licensee or agent shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- (c) The licensee or agent shall supervise the placement of each manufactured home on its lot and the installation of all utility connections.

- (d) The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:
  - Name and address of park residents.
  - Manufactured Housing registration data, including make, length, width and year of manufacture and identification number.
  - Location of each manufactured home within the park by space or lot number.
  - Dates of arrival and departure.
- (e) A new register shall be initiated on January 1 each year, and the old register may thereafter be retired but shall be retained on the premises for at least three (3) years following its retirement. Registers shall be available for inspection at all reasonable times by any official of the City of Mineola whose duties may necessitate access to the information contained therein.
- (f) The licensee or agent shall furnish to the Assessor and Collector of Taxes for the City of Mineola, within ten (10) days after the first day of January of each year, a list of all Manufactured Housing residents in the park on the first day of January, showing the owner's name and address, the make, length, width, year of manufacture and identification number of the manufactured home, and the address or location description of said manufactured home within the park. Said lists shall be prepared using forms provided by the Assessor and Collector of Taxes of the City.
- (g) Each space shall be clearly marked such that the address may be discerned from the street.

**2. Responsibilities of Park Occupants:**

- (a) The park occupant shall comply with all requirements of this Ordinance and shall maintain his Manufactured Housing space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The park occupant shall be responsible for proper placement of his manufactured home on its lot and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) Skirting, porches, awnings, and other additions, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions:
  - The storage area shall have a base of impervious material.
  - Stored items shall not interfere with the underneath inspection of the manufactured home.
  - The storage area shall be enclosed by skirting.

**Section 6-18 Recreational Vehicle Parks****A. SITE REQUIREMENTS.....**

Any development redevelopment alteration, or expansion of a recreational vehicle park in the City shall be done in compliance with the following site requirements:

1. **Location.** A Recreational Vehicle Park shall be located only where such use is permissible under the terms and provisions of the Zoning Ordinance.
2. **Site Plan.** A site plan, as required by the Zoning Ordinance, shall be filed with the Planning Director of the City, showing the following:
  - a. The area and dimensions of the tract of land;
  - b. The number and location of all recreational vehicle spaces;
  - c. The location and dimensions of manufactured home spaces in the park, if any;
  - d. The location and width of roadways and walkways;
  - e. The location and specifications of water lines, sewer lines and riser pipes;
  - f. The location and details of lighting and electrical systems;
  - g. The location and specifications of all buildings constructed or to be constructed within the park;
  - h. Such other information as municipal reviewing officials may reasonably require.
3. **Soil and Ground Cover.** Exposed ground surfaces in all parts of every Recreational Vehicle park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
4. **Drainage.** The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a competent professional engineer.
5. **Lot Area.** All recreational vehicles shall be so located that there shall be maintained a minimum of 15 feet between each unit and the adjoining unit, and that a minimum of 10 feet shall be maintained between any unit and an existing roadway.
6. **Screening.** The Recreational Vehicle Park shall be screened from view of all adjacent residential areas by a fence of not less than eight (8) foot in height. The frontage of the recreational vehicle Park shall be landscaped to provide a screening effect from the public roadway.
7. **Open Space.** Recreation areas are encouraged as a part of any recreational vehicle park. Such areas shall be located to be free of traffic hazards, easily accessible to all park residents, and centrally located where topography permits.

**B. ACCESS AND TRAFFIC CIRCULATION.....**

All recreational vehicle parks shall provide access and means of motor vehicle and pedestrian traffic circulation as follows:

1. **Access.** Motor vehicle entrances and exits shall be designed for safe and convenient traffic movement from adjacent public streets and onto internal streets leading to each space. No entrance or exit from a Recreational Vehicle Park shall be through a residentially zoned district, nor require movement of traffic from the park through a residentially zoned district.
2. **Internal Streets.** Internal streets shall be privately owned, built and maintained, and shall be designed for safe and convenient access to all spaces and facilities for common use of park occupants. Where any portions of parks are intended for overnight occupancy only, it is preferred that internal streets be arranged to accommodate drive-through spaces. Internal streets shall comply with the following minimum requirements:
3. **Minor Streets.** Streets less than 500 feet in length and serving:
  - a. With drive-through spaces, 50 or less if street is one-way, or 100 or less if two-way; or
  - b. Where it is necessary to back into or out of spaces, 25 spaces or less if street is one-way, or 50 or less if two-way shall have minimum widths as follows:

One-way, no parking	10 feet
One-way, parking one side only	18 feet
One-way, parking both sides	26 feet
Two-way, no parking	20 feet
Two-way, parking one side only	28 feet
Two-way, parking both sides	36 feet

4. **Collector Streets.** Streets other than minor streets serving up to 200 spaces, without limitation on length, shall have minimum widths as follows:

One or Two-way, no parking	24 feet
One or Two-way, parking one side only	29 feet
One or Two-way, parking both sides	36 feet

5. **Arterial Streets.** Streets serving more than 200 spaces, without limitation on length, shall have the same minimum width as collector streets; provided that sidewalks shall be

provided as necessary to eliminate use of arterial roadway surface for pedestrian movement.

6. **Dead-end Streets.** Dead-end streets shall be limited in length to 1,000 feet, and shall be provided at the closed end with a turnaround having a minimum of not less than 20 feet inside radius and a 40 feet outside radius.
7. **Street Specifications.** Internal streets shall be constructed as outlined in City of Mineola Subdivision Regulations.
8. **Parking.** Vehicular parking shall be provided adjacent to or as a portion of each recreational vehicle space. Each parking pad shall be a minimum of eight (8) feet in width and 15 feet in length.

**C. SPACES FOR OCCUPANCY - USES AND PERMITTED LENGTH OF STAY**

Spaces in Recreational Vehicle Parks may be used for manufactured homes only within the limitations prescribed herein. Spaces used or intended to be used for manufactured homes shall be designated on the site plan, and all facilities serving such spaces shall comply with the area, setback, spacing and parking requirements for manufactured homes as contained in *Section 6.17, Manufactured Housing Parks*. No space designated as a recreation vehicle space shall be occupied by a manufactured home.

1. Spaces in recreational vehicle parks may be used only by recreational vehicles as defined within this ordinance. Spaces shall be rented by the day, week, or month only, and an occupant of any space shall remain in the same Recreational Vehicle Park not more than ninety (90) days.
2. Upon termination of the ninety (90) days the agent shall not lease a space for the same recreational vehicle until ninety (90) days has lapsed from departure date.

**D. WATER SUPPLY; GENERAL REQUIREMENTS**

An accessible, adequate, safe and potable supply of water shall be provided by following the specifications in City of Mineola Subdivision Regulations in each mobile home park with the following exceptions.

1. **Water Distribution System.**
  - a. The water supply system of the park shall be connected by pipes to all buildings, water service outlets, and other facilities requiring water.
  - b. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the Building Official.
  - c. The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.
2. **Individual Water-riser Pipes and Connections.** Individual water-riser pipes shall extend at least four inches above ground elevation. The pipe shall be at least three-quarter inch. The water outlet shall be capped when not in use. Adequate provision shall be made to protect service lines, valves, and riser pipes from freezing.

**E. SEWERAGE DISPOSAL**

1. **General Requirements.** An adequate and safe sewerage system shall be provided following the specifications in City of Mineola Subdivision Regulations in all mobile home parks with the following exceptions:
2. **Sewer Lines.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade, which will insure a velocity of two feet per second when, flowing full. All sewer lines shall be constructed of materials approved by the Building Official, shall be adequately vented, and shall have watertight joints.
3. **Individual Sewer Connections.**
  - a. If individual sewer connections are provided, they shall consist of at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located at each space that the sewer connection to the unit drain outlet will approximate a vertical position.
  - b. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe only without any branch fittings. All joints shall be watertight.
  - c. All materials used for sewer connections shall be semi-rigid, corrosion resistant nonabsorbent and durable. The inner surface shall be smooth.
  - d. The sewer riser pipe shall be plugged when a Recreational Vehicle does not occupy the space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

**F. ELECTRICAL DISTRIBUTION SYSTEM**

1. **General Requirements.** Every park shall contain an electrical system that is installed and maintained in accordance with all current applicable Electric Utility or NEC requirements.

**B. SERVICE AND AUXILIARY BUILDINGS**

1. **General.** The requirements of this Section shall apply to service buildings, recreation buildings and other auxiliary facilities, such as management offices, repair shops and storage area, sanitary and laundry facilities, and commercial uses supplying essential goods or services for the exclusive use of park occupants.
2. **Location and Maintenance.** All service buildings shall be convenient to the units, which they serve, and shall be maintained in a clean condition.
3. **Construction.** All service buildings shall be of permanent construction built in compliance with applicable ordinances of the City.
4. **Sanitary facilities.** Every Park shall contain one or more service buildings of permanent construction, containing the following minimum sanitary fixtures:



Zoning Ordinance

For parks having more than 100 spaces there shall be provided one additional toilet and lavatory for each sex for each 30 spaces; one additional shower for each additional 40 spaces, and one additional men's urinal for each additional 100 spaces. At least one slop sink shall be provided.

RV Spaces	Toilets		Urinals	Lavatories		Showers	
	Men	Woman	Men	Men	Woman	Men	Woman
1-15	1	1	1	1	1	1	1
16-45	1	2	1	2	2	1	1
46-100	2	3	2	3	3	2	2

5. **Interior Finish.** The interior finish of a service building shall be moisture resistant which will withstand frequent washing and cleaning. The floors shall be constructed of material impervious to water, easily cleaned and sloped to floor drains connected to the sewerage system.
6. **Separation and Marking of Toilet Rooms.** Separate men and women's toilet rooms shall be provided and distinctly marked, and isolated by a sound resistant wall. The rooms shall be screened by means of a vestibule or wall to prevent direct view of the interior when the exterior doors are open.
7. **Water Closets.** Water closets shall be located in separate compartments equipped with self-closing doors.
8. **Hot Water Facilities.** A continuous supply of hot water shall be available in each service building.
9. **Shower Facilities.** Shower facilities shall be provided for both sexes. The shower stalls shall be of the individual type and screened from view. Dressing compartments shall be provided for women who are screened from view and each equipped with a stool or bench. A shower stall of approximately 3 x 3 feet in area is suggested, with the dressing compartment of the same dimensions for women.
10. **Heating Facilities.** Service buildings shall be maintained at the temperature required by local authorities. In the absence of such requirements, service buildings shall be maintained at a temperature of at least 70°F during use.
11. **Window Areas and Ventilation.** Window areas in service buildings shall be equal to at least 10% of the floor area. Windows shall be located as high as practicable. All rooms of service buildings shall be well ventilated and all exterior openings shall be covered with 16-mesh screen.
12. **Lighting.** Service building rooms shall be well lighted at all times. The following illumination levels are suggested:
  - General seeing tasks - 5 foot-candles;
  - Laundry room work area - 40 foot-candles;

- Toilet room - in front of mirrors - 40 foot-candles.

13. **Auxiliary Buildings.** Auxiliary buildings or other buildings not specifically covered in this Article shall be constructed in accordance with local requirements.

**C. BARBECUE PITS, FIREPLACES, AND STOVES**.....

Cooking shelters, barbecue pits, fireplaces and wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance. No open, fire shall be permitted except in approved facilities. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

**D. REFUSE HANDLING**

1. The storage collection and disposal of refuse in a recreational vehicle park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
2. All refuse shall be stored in fly proof, watertight, and rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
3. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

**E. INSECT AND RODENT CONTROL**.....

1. Ground, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the City Health Department
2. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

**F. FUEL SUPPLY AND STORAGE**.....

1. **Natural Gas System**

- a. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- b. Each recreational vehicle space provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. **Liquefied Petroleum Gas Systems.** Liquefied petroleum gas systems for recreational vehicle units shall be maintained in accordance with applicable codes governing such systems and regulations of The Texas Railroad Commission pertaining thereto.

**G. MISCELLANEOUS REQUIREMENTS**

**1. Responsibilities of the Park Management.**

- a. The licensee or his agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
  - b. The licensee or agent shall notify park occupants of all applicable provisions of this Article and inform them of their duties and responsibilities under this Article.
  - c. The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:
    - Name and address of park occupants;
    - Registration of the towing vehicle;
    - Dates of arrival and departure.
2. A new register shall be initiated on January 1st each year, and the old register may thereafter be retired but shall be retained on the premises for at least three (3) years following its retirement. Registers shall be available for inspection at all reasonable times by any official of the City of Mineola whose duties may necessitate access to the information contained therein.

**Section 6-19      Alcoholic Beverage Regulations**

**DEFINITIONS:**

- 1:     **CITY** shall mean and refer to the City of Mineola, Texas.
- 2:     **BEER AND WINE RETAIL SALES (NO DRIVE THROUGH):** Businesses that engage in the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17% by volume, for Off-Premises Consumption only, with no drive-through facility.
- 3:     **BEER AND WINE RETAIL SALES (DRIVE THROUGH):** Businesses that engage in the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17% by volume, for Off-Premises Consumption only, with a drive-through facility including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.
- 4:     **PRE-PACKAGED ALCOHOLIC BEVERAGE RETAIL SALES (NO DRIVE-THROUGH):** Businesses that engage in the sale of pre-packaged alcoholic beverages, for Off-Premises Consumption, with no drive-through facility.
- 5:     **PRE-PACKAGED ALCOHOLIC BEVERAGE RETAIL SALES (DRIVE-THROUGH):** Businesses that engage in the sale of pre-packaged alcoholic beverages, for Off-Premises Consumption, with a drive-through facility including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.
- 6:     **ALCOHOL BEVERAGE PERMIT:** Shall mean an official certificate issued by the City Secretary certifying compliance with this ordinance.
- 7:     **ON-PREMISES CONSUMPTION:** The sale of an alcoholic beverage for the consumption in a business establishment as permitted herein.
- 8:     **OFF-PREMISES CONSUMPTION:** The sale of sealed alcoholic beverage by an establishment permitted herein for the sale of consumption off-premises.

- 9: **HOTEL/MOTEL:** Means a building or a group of two (2) or more buildings containing guest rooms or apartments and used primarily for the accommodation of automobile travelers containing a restaurant as defined herein.
- 10: **RESTAURANT:** Means a place where meals are prepared and served to the public for consumption on or off the premises.
- 11: **NEIGHBORHOOD CONVENIENCE CENTER:** Retail establishments which carry convenience goods, such as groceries, drugs, and some variety items, including grocery stores, markets, supermarkets and variety stores.
- 12: **ALCOHOLIC BEVERAGE:** Means alcohol or any beverage containing more than one half of one percent of alcohol by volume which is capable of use for beverage purposes either alone or when diluted.
- 13: **BEER:** Means a malt beverage containing one half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight and does not include a beverage designated by label or otherwise by a name other than beer.
- 14: **CHILD-CARE FACILITY:** As those terms are defined by Section 42.002 of the Texas Human Resources Code means a certified facility licensed, certified, or registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility for all or part of the 24 hour day whether or not the facility is operated for profit or charges for the services it offers.
- 15: **DEALER:** As that term is used in Section 109.33 Texas Alcoholic Beverage Code V.T.C.S. and shall include PERSON as that term is defined herein.
- 16: **OPEN CONTAINER:** Means a container that is no longer sealed.
- 17: **PERSON:** Means a natural person or association of natural persons, trustee, receiver, partnership, corporation, organization of the manager, agent, servant, or employee of any of them.
- 18: **PRIVATE SCHOOL:** Means a private school including a parochial school that 1) offers a course of instruction for students in one or more grades from kindergarten through grade 12 and 2) has more than 100 students enrolled and attending courses at a single location.

- 19: **PERMITTEE:** Means a person who is the holder of a permit provided for in this ordinance, or an agent, servant, or employee of that person.
- 20: **LICENSEE:** Means a person who is the holder of a license provided in this ordinance, or any agent, servant, or employee of that person.
- 21: **WINE:** Means the product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries, or honey, and includes wine coolers.
- 22: **WINE COOLER:** Means an alcoholic beverage consisting of vinous liquor plus plain, sparkling, or carbonated water and which may also contain one or more natural or artificial blending or flavoring ingredients. A wine cooler may have an alcohol content as low as one-half of one percent by volume.
- 23: **ALE or MALT LIQUOR:** Means a malt beverage containing more than four percent of alcohol by weight.
- 24: **MIXED BEVERAGE:** Means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit.
- 25: **OUTDOOR ADVERTISING:** Means any sign bearing a word, mark, description, or other device that is used to advertise an alcoholic beverage or the business of a person who manufactures, sells, or distributes an alcoholic beverage if the sign is displayed outside the walls or enclosure of a building or structure where a license or permit is issued or if it is displayed inside a building so that it is visible by a person of ordinary vision from outside the building.
- 26: **BILLBOARD:** Means a structure directly attached to the land, a house, or a building having one or more spaces used to display a sign or advertisement of an alcoholic beverage or a person engaged in the manufacture, sale, or distribution of alcoholic beverages, whether or not the structure is artificially lighted.
- 27: **ELECTRIC SIGN:** Means a structure or device other than an illuminated billboard by which artificial light produced by electricity is used to advertise the alcoholic beverage business by a person who manufactures, sells, or distributes alcoholic beverages or to advertise an alcoholic beverage.

- 28: **BREW PUB:** Means an establishment permitting the license holder to manufacture, brew, bottle, can, package and label malt beverages, ale and beer. It also authorizes the license holder to sell the beverages to ultimate customers at the brewpub for on or off-premise consumption.

## PERMITTED USES

- 1: Beer and Wine Retail Sales (No Drive-Through) and Pre-Packaged Alcoholic Beverage Retail Sales (No Drive-Through) and holding an alcoholic beverage permit issued by the City Secretary of the City of Mineola will be allowed to operate only in areas that are zoned C-1 (Local Business), C-2 (General Business) and I (Industrial).
- 2: Beer and Wine Retail Sales (Drive-Through) and Pre-Packaged Alcoholic Beverage Retail Sales (Drive-Through) are not permitted.
- 3: The sale of alcoholic beverages for On-Premises Consumption shall only be permitted by restaurants or motels holding a food and beverage certificate and the restaurant or hotel/motel's revenue from the sale of alcoholic beverages shall be less than fifty percent of its gross revenue.
- 4: The sale of alcoholic beverages for Off-Premises Consumption shall only be permitted by Neighborhood Convenience Centers that derive fifteen percent or more of its gross revenue from the sale of non-alcoholic products and products not subject to motor fuel tax.
- 5: Brewpubs are permitted for the manufacture, bottling and sale of beer for on and off-premise consumption. Brewpubs are only allowed in areas that are zoned C-1 (Local Business), C-2 (General Business) and I (Industrial).
- 6: Mixed Beverage Sales for On-Premises Consumption will be allowed to operate only in areas that are zoned C-1 (Local Business), C-2 (General Business) and I (Industrial).
- 7: Any business, existing or new, that desires to sell any alcoholic beverage within the city limits of the City of Mineola must obtain an alcoholic beverage permit issued by the City.

**SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR PUBLIC SCHOOLS, PRIVATE SCHOOLS, CHURCHES OR HOSPITALS**

- 1: It shall be unlawful for any dealer to sell alcoholic beverages from or at a place of business within this city within 300 feet of a church, public or private school.
- 2: The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door and in direct line across intersections.
- 3: The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the place of business and in a direct line across intersections.

**SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR DAY-CARE CENTERS AND CHILD-CARE FACILITIES; EXCEPTION**

- 1: It shall be unlawful for any holder of a wine and beer retailers permit, mixed beverage permit, retail dealers on premise license or brew pub license who does not hold a food and beverage certificate to sell alcoholic beverages from or at a place of business within this city within 300 feet of a day-care or child-care facility.
- 2: This section does not apply to a foster group home, foster family home, family home, agency group home or agency home as those terms are defined by Section 42.002 of the Texas Human Resources Code.
- 3: The measurement of the distance between the place of business where alcoholic beverages are sold and the day-care center or child-care facility shall be in a direct line from the property line of the day-care center or child-care facility to the property line of the place of business and in a direct line across intersections.

**SALE OF ALCOHOLIC BEVERAGES PROHIBITED IN RESIDENTIAL AREAS**

- 1: It shall be unlawful for any person or dealer to sell alcoholic beverages on residential lots, tracts, or parcels of land zoned as residential within this city.



---

**CONSUMPTION OF ALCOHOLIC BEVERAGE AND POSSESSION OF AN OPEN CONTAINER NEAR PUBLIC OR PRIVATE SCHOOLS; EXCEPTION**

- 1: A person commits an offense if the person possesses an open container or consumes an alcoholic beverage on a public street, public alley, public sidewalk or public park, within 1000 feet of the property line of a facility that is a public or private school including a parochial school that provides all or any part of pre-kindergarten through twelfth grade.
- 2: This section does not apply to the possession of an open container or the consumption at an event duly authorized by appropriate authorities and held in compliance with all other applicable provisions of this ordinance.

**SIGNAGE**

No person may erect or maintain a billboard, electric sign, or any outdoor advertising in violation of any ordinance of the City of Mineola, Texas or this ordinance.

- 1: No person shall erect or maintain a Billboard, Electric Sign, or any Outdoor Advertising for the sale or consumption of an alcoholic beverage within the city limits of the City of Mineola, Texas.
- 2: No person shall erect post or display any signs for the sale or consumption of alcoholic beverages or other forms of advertisement inside the alcoholic beverage establishment if same can be viewed from a public street.

**LOCAL FEES FOR LICENSE AND APPLICATION**

- 1: For On-Premises Consumption, the City hereby levies an annual fee in a sum equal to fifty percent of the State's third renewal fee for a mixed beverage permit with a food and beverage certificate, and all other licenses required, as authorized by the Texas Alcoholic Beverage Code, except a temporary or agent's beer license issued for premise locations within the corporate limits of the city.
- 2: For Off-Premises Consumption, the City hereby levies an annual fee in a sum equal to fifty percent of the State's fee for a beer retailer's off-premises license, and all other licenses required, as authorized by the Texas Alcoholic Beverage Code, except a temporary or agent's beer license issued for premises locations within the corporate limits of the city.

- 3: There is hereby levied a \$150.00 administrative processing fee for acceptance, review and verification of all new applications.
- 4: All payments shall be made to the city along with the submission of the application. The city shall issue a receipt for display with the state license or permit on the licensed or permitted premises.