

APPENDIX A
ZONING ORDINANCE*

Art. 1.	Enacting Clause
Art. 2.	Establishment of Districts and Provision for Official Zoning Map
Art. 3.	Rules for Interpretation of District Boundaries
Art. 4.	Application of District Regulations
Art. 5.	Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, Nonconforming Uses of Structure and Premises and Nonconforming Characteristics of Use
Art. 6.	District Regulations
Art. 7.	Definitions
Art. 8.	Administration and Enforcement
Art. 9.	Board of Adjustment; Establishment and Procedure
Art. 10.	Procedure for Amendments or Special Use Permits
Art. 11.	Violation and Penalty
Art. 12.	Saving Clause
Art. 13.	Invalidity of a Part
Art. 14.	Repeal
Apps. A and B.	Reserved
App. C.	Mobile Home Park Facilities

An Ordinance to regulate and restrict the use of land and the location of buildings designed for specific uses; to regulate and limit the height of buildings hereafter erected or altered; to regulate and determine the size and area of yards, courts, and other open spaces; to regulate and limit the density of population; to divide the municipality into districts and establish, by reference to a map, the boundaries of said districts for said purposes; to provide for off-street parking and loading; to provide for definition; to provide for its interpretations and amendments hereto; to provide for its enforcement and penalties for violation

***Editor's note**—Appendix A sets out the zoning ordinance of the city as the same was originally enacted by the city on May 12, 1970. Due to the statutory requirements relative to the enactment and amendment of such an ordinance, incorporation thereof into a Code of Ordinances is not deemed advisable, hence its inclusion as an appendix hereto for the benefit and convenience of the user of this Code.

Cross references—Building, ch. 7; fire prevention and protection, ch. 12; health and sanitation, ch. 15; housing, ch. 16; mobile homes, ch. 17; planning and zoning, ch. 20; plumbing, ch. 21; signs, ch. 24; streets and sidewalks, ch. 25; utilities, ch. 28; subdivisions, App. B; flood protection, § 7-17 et seq.

of its powers and duties; to provide for permits, to provide for invalidity of a part and for repeal of all ordinances or parts thereof in conflict with this Ordinance.

For the purposes of promoting health, safety and/or the general welfare of the community, the City Council of Marlin deems it necessary to adopt these regulations made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

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

ARTICLE 1. ENACTING CLAUSE

To be prepared by the City Attorney.

ARTICLE 2. ESTABLISHMENT OF DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP

2-100. Official zoning map.

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 11.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the City Secretary, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

2-200. Replacement of official zoning map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

ARTICLE 3.

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

3-100.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- d. Boundaries indicated as following railroad rights-of-way shall be construed to be midway between the main tracks;
- e. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- f. Boundaries indicated as parallel to or extensions of features indicated in Subsections a. through e. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- g. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by Subsections a. through f. above, the Board of Adjustment shall interpret the district boundaries;
- h. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, upon application of the owner, as a special exception the extension of the regulations for either portion of the lot into the remaining portion of the lot.

ARTICLE 4.**APPLICATION OF DISTRICT REGULATIONS****4-100.**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- a. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- b. No building or other structure shall hereafter be erected or altered:
 1. To exceed the height or bulk as set forth herein;
 2. To accommodate or house a greater number of families as set forth herein;
 3. To occupy a greater percentage of lot area as set forth herein;
 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required in any other manner contrary to the provisions of this Ordinance.
- c. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- d. No yard or lot existing at the time of passage or application of this Ordinance shall be reduced in dimension or area below the minimum requirements

set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- e. All territory which may hereafter be annexed to the City shall be considered to be agricultural until otherwise classified.

ARTICLE 5.

NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING USES OF STRUCTURE AND PREMISES AND NONCONFORMING CHARACTERISTICS OF USE

5-100. Intent.

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

1. Lots,
2. Structures,
3. Uses of land and structures, or
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 amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as the grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged by any of the following by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to be the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal and new construction shall be carried on diligently and without interruption.

5-200. Nonconforming lots of record.

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or portions of lots with continuous frontage in single ownership are of record on the effective

date of this Ordinance and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance. No division of any parcel may be made which creates a lot with depth, width or area less than the requirements stated in this Ordinance.

5-300. Nonconforming uses of land (or land with minor structures only).

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 and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
- c. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
- d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

5-400. Nonconforming structures.

Where lawful structure 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 or restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5-500. Nonconforming uses of structures or of structures and premises in combination.

If lawful use involving individual structures with a replacement cost of \$1,000.00 or more or of structures and premises in combination exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the 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:

- a. No existing structure 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 structure to a use permitted in the district in which it is located;
- b. 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;

- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception 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;
- d. Any structure, or structure and land in combination, in or on 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;
- e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises), the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- f. Where nonconforming use status applied to a structure and premises in combination, removal or destruction of the structure 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%) (or other figure) of the replacement cost at time of destruction.

5-600. Repairs and maintenance.

On any nonconforming structure or portion of a structure 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 ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may [be], provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized 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.

5-700. Uses under special exception provisions not nonconforming uses.

Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall, without further action, be considered a conforming use.

ARTICLE 6.**DISTRICT REGULATIONS****6-100.**

The City of Marlin, Texas, is hereby divided into the following Zoning Districts. All land, buildings, structures or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered, removed, placed and erected shall be in conformance with the Zoning Regulation prescribed in which such land or building is located, as hereinafter provided.

6-200. Zoning districts enumerated.

<i>Abbreviated designation</i>	<i>Zoning District</i>
R-8,400	One-family, Residential District
R-4,200	Two-family, Residential District
R-2,100	Multi-family, Residential District
C-0	Office District
C-1	Restricted Business District
C-2	Commercial Business District
C-3	Central Business District
M-1	Industrial Park District
M-2	General Industrial District
P-D	Planned Development District

6-300. Zoning district use regulations.

No land shall hereafter be used and no building or structure shall hereafter be erected, moved or altered which is arranged or designed or used for other than those uses specified and set forth by the following schedule of uses.

Note: All of the uses listed are subject to standards of performance as set forth in Article 6-400.

<i>Key to schedule use</i>	<i>Use Allowed in District</i>
	Requires Special Use Permit (See Section 6.700 for Procedure)

APPENDIX A—ZONING

Art. 6

TYPE USE	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D	REMARKS
6-301 RESIDENTIAL USES											See Article 6-400.
One-Family Dwelling Detached	●	●	●							●	
One-Family Dwelling Attached	●	●	●							●	
Two-Family Dwelling	●	●	●							●	
Multiple-Family Dwelling or Apartment	●	●	●	●	●	●	●	●	●	●	
Community Unit Development				●	●	●	●	●	●	●	
Boarding or Rooming House			●	●	●	●	●	●	●	●	
Hotel or Motel				●	●	●	●	●	●	●	See Article 6-700 and Definition, Art. 7
Trailer or Mobile Home		S	S							S	

TYPE USE	6-302 EDUCATIONAL, INSTITUTIONAL	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D	REMARKS
Art Gallery or Museum												See Article 6-400
Cemetery or Mausoleum												
Church or Rectory												
College or University												
Community Center (Public)												
Day Camp												
Day Nursery or Kindergarten												Subject to Health Dept.
Fairground or Exhibition Area												
Fraternal Organization, Lodge or Civic Club												
Home for Care of Alcoholic, Narcotic or Psychiatric Patients												Subject to Health Dept.

TYPE USE	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D	REMARKS
Hospital (General Acute Care)				●	●	●	●	●	●	●	
Hospital (Chronic Care)				●	●	●	●	●	●	●	
Institutions of Religion or Philanthropic Nature				●	●	●	●	●	●	●	
Library (Public)	S	S	S	S	●	●	●	●	●	●	
Monastery or Convent		A	A	S	S						
Nursing Home or Residence Home for Aged		S	S	S	S						Subject to Health Dept.
Park, Playground or Public Community Center	●	●	●	●	●	●	●	●	●	●	
School, Private, Primary or Secondary	●	●	●	S	S	S	S	S	S	●	
School, Public or Denominational	●	●	●	●	●	●	●	●	●	●	
School, Business or Trade				●	●	●	●	●	●	●	

TYPE USE	REMARKS
6-303 UTILITY, ACCESSORY AND INCIDENTAL	See Article 6-400
Accessory Building	See Definition
Community Center (Private)	
Electrical Generating Plant	
Electrical Substation	
Electrical Transmission Line	
Field or Construction Office (Temporary)	Subject to Approval by Building Inspector
Fire Station or Similar Public Safety Building	
Gas Transmission Line and Metering Station	
Home Occupation	See Definition
Local Utility Distribution Lines	

TYPE USE	REMARKS	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D
Off-Street Parking Incidental to main Use		●	●	●	●	●	●	●	●	●	●
Private Utility Shop or Storage Public Building, Shop or Yard of Local, State or Federal Government					●	●	●	●	●	●	●
Radio or Television Micro-Wave Tower						●	●	●	●	●	●
Servants' Quarters or Caretakers'		●	●	●	●	●	●	●	●	●	●
Sewage Treatment Plant						S	S				
Swimming Pool (Private)		●	●	●	●	●	●	●	●	●	●
Telephone, Business Office		S	S	S	●	●	●	●	●	●	●
Telephone Line and Exchange Switching or Relay Station		S	S	S	●	●	●	●	●	●	●
Water Reservoir, Water Pumping Station or Well		S	S	S	●	●	●	●	●	●	●
Water Treatment Plant		S	S	S	●	●	●	●	●	●	●

TYPE USE	REMARKS
6-304 RECREATIONAL & ENTERTAINMENT	See Article 6-400
Amusement, Commercial (Outdoor)	●
Amusement, Commercial (Indoor)	●
Country Club (Private) with Golf Course	●
Golf Course (Public)	●
Golf Course (Commercial)	●
Park or Playground (Public)	●
Playfield or Stadium (Public)	●
Private Club	●
Stable, Private Club	●
Stable, Commercial Rental	●

TYPE USE	REMARKS
Stable, Boarding	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
Swim or Tennis Club	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
Theater, Drive-In	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
Theater, Indoor	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
6-305 TRANSPORTATION & RELATED USES	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D See Article 6-400
Airport Landing Field or Heliport	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D Subject to FAA Approval
Bus Station or Terminal	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
Hauling or Storage Company	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
Motor Freight Terminal	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D

TYPE USE	REMARKS	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D
Railroad Freight Terminal											
Railroad Passenger Station											
Railroad Track or Right-of-Way		●	●	●	●	●	●	●	●	●	●
Railroad Team Track			●	●	●	●	●	●	●	●	●
Parking Lot Truck							●	●	●	●	●
Parking Lot or Structure, Commercial						●	●	●	●	●	●
6-306 AUTOMOTIVE & RELATED SERVICE;											See Article 6-400
Auto Laundry as Primary Use							●	●	●	●	●
Auto Painting and Body Repair							●	●	●	●	●

APPENDIX A—ZONING

Art. 6

TYPE USE	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D	REMARKS
Auto or Motorcycle Sales and Repair (in Building)											
Auto Wrecking or Salvage Yard									S		
Gasoline Service Station											
New Auto Parts Sales Store											
New or Used Car or Boat Sales Lot (in Open)											
Seat Cover and Muffler Installation Shop											
Tire Retreading or Capping											
Used Auto Parts Sales (in Building)											
6-307 RETAIL, SERVICE TYPE USES											See Article 6-400
Antique Shop											

TYPE USE	REMARKS									
	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D
Bakery or Confectionery Shop (Retail)				●	●	●	●			●
Cafeteria				●	●	●	●	●	●	●
Cleaning and Pressing Small Shop and Pick-Up				●	●	●	●			●
Custom, Personal Service Shop				●	●	●	●			●
Drapery, Needlework or Weaving Shop				●	●	●	●			●
Florist or Garden Shop				●	●	●	●			●
Greenhouse Plants or Nursery Stock (Retail)				●	●	●	●	●	●	●
Household Appliance Service and Repair				●	●	●	●	●	●	●
Laundry or Cleaning Self-Service				●	●	●	●			●
Mimeograph, Stationery or Letter Shop				●	●	●	●	●	●	●
Mortuary or Funeral Parlor				●	●	●	●	●	●	●
Offices, Professional and Ad- ministrative				●	●	●	●	●	●	●

TYPE USE	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	F-D	REMARKS
Pawn Shop											
Restaurant without Drive-In Service											
Restaurant with Drive-In Service											
Retail Stores and Shops Other Than Listed											
Studio for Photographer, Musician, Artist or Health											
Secondhand Store, Used Furniture or Rummage Sale											
Tool or Trailer Rental											
6-308 SIGNS & IDENTIFICATION USES											See Article 6-1200 for additional information
Name Plate											

TYPE USE	REMARKS								
Sign, Real Estate		●	●	●	●	●	●	●	P-D
Sign, Construction		●	●	●	●	●	●	●	M-2
Sign, Development	Subject to Approval by Building Inspector	●	●	●	●	●	●	●	M-1
Sign, Institutional	See Section 6-302, above	●	●	●	●	●	●	●	C-3
Sign, Apartment Name		●	●	●	●	●	●	●	C-2
Sign, General Business		●	●	●	●	●	●	●	C-1
Sign, Advertising		●	●	●	●	●	●	●	C-0
6-309 AGRICULTURAL USES	See Article 6-400								
Animal Pound (Public or Private)									R-8,400
									R-4,200
									R-2,100

TYPE USE	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D	REMARKS
Animal Clinic, Hospital, Pet Shop or Kennel with or without Outside Runs or Pens											
Farm or Ranch, Including Necessary Dwellings											
Greenhouse or Plant Nursery (Commercial)											
Hatchery, Poultry											
6-310 COMMERCIAL USES											See Article 6-400
Bakery (Wholesale)											
Building Material Sales											
Cabinet and Upholstery Shop											
Cleaning and Dyeing Plant (Commercial)											

TYPE USE	REMARKS	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D
Cleaning Plant, Rugs or Carpets (Special Equipment)											
Clothing Manufacture or Light Compounding or Fabrication											
Contractors Shop and Storage Yard											
Engine and Motor Repairing											
Feed Store											
Heavy Machinery Sales & Storage											
Job Printing or Newspaper Printing											
Laundry Plant (Commercial)											
Milk Depot, Dairy or Ice Cream Plant											
Paint Shop											
Petroleum Products Storage Wholesale											
Plumbing Shop											

APPENDIX A—ZONING

Art. 6

TYPE USE	R-8,400	R-4,200	R-2,100	C-0	C-1	C-2	C-3	M-1	M-2	P-D	REMARKS
Scientific or Research Labs				S	S						
Storage and Sale of Furniture or Appliances Outside Building											
Storage or Sales Warehouse											
Trade or Commercial School											
Trailer Rental or Sales											
Transfer, Storage & Baggage Terminal											
Wholesale Office & Sample Room											
6-311 NATURAL RESOURCES EXTRACTION											
Extraction and Storage of Sand, Caliche, Stone or Gravel											

TYPE USE	REMARKS
Mining or Storage of Mining Wastes	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
6-312 SPECIAL INDUSTRIAL PROCESS	See Articles 6-405 — 6-406
Asphalt or Concrete Batching Plant (Temporary)	
Asphalt or Concrete Batching Plant (Permanent)	S
Cement or Hydrated Lime Manu- facture	
Dump or Sanitary Fill Area	S
Open Salvage Yard for Rags, Machinery, Etc.	S
Meat Packing Plant	S
Smelter or Refinery	S

TYPE USE	REMARKS
Storage Warehouse	R-8,400 R-4,200 R-2,100 C-0 C-1 C-2 C-3 M-1 M-2 P-D
Welding or Machine Shop	C-1 C-2 C-3 M-1 M-2
6-313 GENERAL MANUFACTURING, PROCESSING AND WAREHOUSING	See Article 6-400
Manufacturing, Processing, Assembly, Storage and Distribution of any product, material subject to meeting the requirements of Article 6-405 or 6-406.	

6-400. Use performance standards by district.

The following standards of performance for any use shall apply to the following districts in which they are located:

6-401. Districts R-8, 400; R-4, 200 and R-2, 100.

a. No retail or wholesale sales activity shall be conducted;

b. No electrical or powered devices shall be used that causes noise in excess of that of normal air conditioning units, electrical interference or radiation beyond the property lines;

c. No activity will be conducted that causes or creates abnormal noise, smoke, dust, obvious gases, odor or vibrations beyond the property line;

d. No service shall be rendered that causes abnormal commotion, generates traffic, or requires additional parking facilities beyond the minimum set forth in Section 6-1100 for Districts R-10,000 through R-2,100.

6-402. District C-0.

a. No exchange of goods or sales shall be conducted on the property;

b. No merchandise other than samples shall be displayed, and all merchandise shall be stored and displayed within a building and not visible from outside of the building.

6-403. District C-1.

a. No wholesale sales shall be conducted;

b. No merchandise or equipment shall be stored or displayed outside of a building;

c. All products shall be sold and all services rendered inside a building, except that banks and savings and loan establishments may have drive-up-service;

d. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside of

a building and no dust, fly ash or gas that is toxic, caustic, or obviously injurious to humans or property shall be produced.

6-404. Districts C-2 and C-3.

a. Drive-up or drive-in service may be provided at any establishment;

b. Any manufacturing, storage of materials for, or assembly of products as permitted above shall be entirely within a totally enclosed building;

c. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside of a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

6-405. District M-1.

a. All operations shall be conducted within a fully enclosed building;

b. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at eye level within one thousand (1,000) feet of the property line;

c. No use shall be permitted or so operated as to produce or emit:

1. Smoke or particulate matter of a No. 1 or darker on the Ringelmann Chart;
2. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans at the property line;
3. Vibration or concussion perceptible without instruments at the property line;
4. The noise level shall not exceed the following levels at any point along the property line:

Octave band

0—75 Cycles Per Second	55 db.
75—1,200 C.P.S.	40 db.
1,200—4,800 C.P.S.	25 db.
Above 4,800 C.P.S.	22 db.

5. Industrial wastes shall be of such a quantity and nature as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.

6-406. District M-2.

- a. Vibration or concussion shall not be perceptible without instruments at the property line;
- b. The noise level shall not exceed the levels given in subsection C-4 above at any point along the property line.

6-700. Special use permits.

The City Council of Marlin, Texas, after following the procedure set forth in Article 10, Procedures for Amendments or Special Use Permits, and after recommendation by the City Council may authorize the issuance of Special Use Permits for the uses indicated by "S" in the Use Schedule, Section 6-300, and including the following:

1. Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds;
2. Cemeteries, mausoleums or crematories for the disposal of the human dead;
3. Fraternal/civic organization club houses;
4. Day nurseries;
5. Drive-in theaters in Districts C-2 and M-2;
6. Golf driving ranges, commercial or illuminated, in Districts C-2 and M-2;
7. Gun clubs, skeet shoots or target ranges;
8. Hospitals for the insane or feeble-minded or alcoholic or drug addicts, or penal or correctional institutions;

9. Picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;
10. Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, however, that no Special Use Permit shall be issued unless the location's site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the City Council, after report from the Planning Commission, which Permit shall be for a limited period of time not to exceed five (5) years;
11. Nursery sales office, building or greenhouse (wholesale or retail);
12. Radio, television and microwave towers;
13. Reservoirs, wells, towers, filter beds, or water supply plants;
14. Riding stables and tracks;
15. Sewage, refuse, garbage disposal plants or sanitary fills;
16. Storage and sale of L.P. gas other than bulk plants;
17. Swimming pools, commercial;
18. Mobile home parks or trailer courts in District R-4,200 and R-2,100 only, subject to the following regulations:
 - (a) Lot area per family shall be 3,500 square feet;
 - (b) Space between mobile homes shall not be less than 30 feet;
 - (c) Two (2) off-street parking spaces shall be provided for each unit;
 - (d) All drives and parking areas shall be paved according to City Standards;
 - (e) Private drives and streets not dedicated as public rights-of-way shall be no less than twenty (20) feet in width;

- (f) Protective lighting shall be provided on the site;
 - (g) Playground space shall be provided, the adequacy in terms of size and location to be approved by the Planning Commission;
 - (h) All units shall be connected to public sewer and water;
 - (i) Storm drainage facilities shall be according to City policy and approved by the City Engineer.
19. Junk and salvage yards in District M-2;
20. Buildings, structures and premises for public utility services of public service corporations, which buildings or uses the City Council, after report of the Planning Commission, deems reasonably necessary for public convenience or welfare.

Such conditions as to operation, site development, parking, signs and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of neighboring property will conform to the general intent and purpose of this Ordinance. Such uses shall comply with the height and area regulations of the district in which they may be located, except that radio, television and microwave towers, and drive-in theater screens may exceed said height regulations.

6-801. Planned development district uses permitted and procedure for approval.

The City Council of the City of Marlin, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of the following types of Planned Development Districts:

1. Shopping center on tracts of three (3) or more acres;
2. Housing development on tracts of three (3) or more acres, or a Community Unit Development;
3. Industrial Parks or Districts on tracts of ten (10) or more acres;

4. Medical center and/or hospital;
5. Civic center and/or community center;
6. Office center;
7. Recreation center;
8. Educational complex;
9. A combination of any of the developments listed in 1 to 7 above;
10. Transition Districts as an extension of an existing district whereby the provision of off-street parking, screening walls, open space planting would create a protective transition between a lesser and a more restrictive district.

6-802.

In establishing a Planned Development District in accordance with this section, the City Council shall require a comprehensive plan of the development. Such site plan shall be approved and filed as part of the Ordinance prior to the issuance of any Building Permit in a Planned Development District. Such required plan and Ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives with adequate right-of-way to conform to the Thoroughfare Plan of the City of Marlin, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protection of the adjacent property.

6-803.

Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance as applicable to the property involved. In approving the Planned Development District, the City Council may impose conditions relative to the standard of development, and such conditions shall be complied with before a Certificate of Occupancy is issued for

the use of the land or any structure which is part of the Planned Development, and such conditions shall not be construed as conditions precedent to the approval of zoning amendments but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

6-804.

All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form or by subsequent amendments 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 the Appendix of the Ordinance.

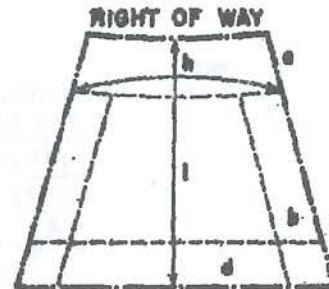
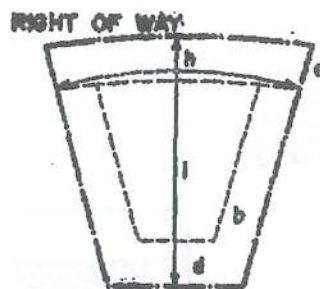
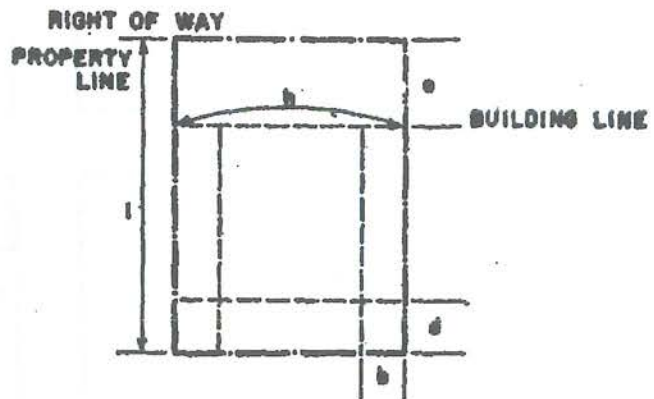
6-805.

A public hearing may be held on any site plan required as a condition of a Planned Development District when such plan is submitted or whenever significant changes are proposed in such plan, and the public hearing shall be subject to the same procedure of notice as is specified for amending the Zoning Ordinance.

6-900. Height and area regulations.

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located, unless it conforms with all of the minimum regulations set forth herein on the following schedule.

MINIMUM LOT REQUIREMENTS



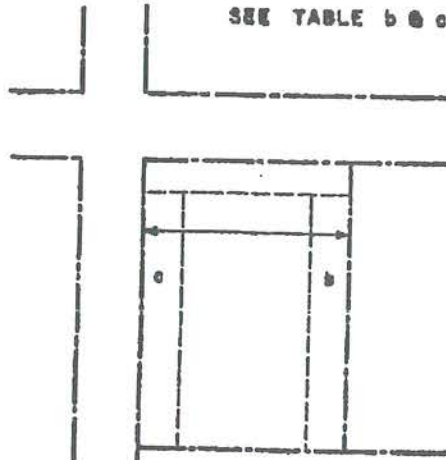
FOR DIMENSIONS SEE FOLLOWING SHEETS

SEE TABLES a THROUGH i
6-901-6,909

- 6-901 a. MINIMUM FRONT YARD
- 6-902.1 b. MINIMUM SIDE YARD
- 6-902.2 c. MINIMUM SIDE YARD—CORNER LOT
- 6-903 d. MINIMUM REAR YARD
- 6-904 e. MAXIMUM HEIGHT
- 6-905 f. MINIMUM DWELLING SIZE
- 6-906 g. MINIMUM LOT AREA
- 6-907 h. MINIMUM LOT WIDTH
- 6-908 i. MINIMUM LOT DEPTH
- 6-909 j. MINIMUM BUILDING COVERAGE

CORNER LOT

SEE TABLE b & c 6-902.1 & 6-902.2

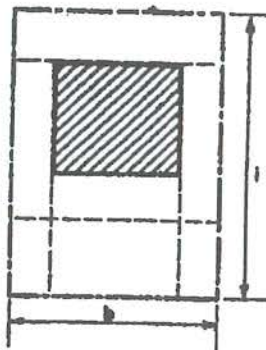


SEE
6-906

- e. MINIMUM LOT AREA
 $\frac{h \times l}{2}$ RECTANGULAR LOT
 $\frac{h_1 + h_2}{2} \times \frac{l_1 + l_2}{2}$ IRREGULAR LOT

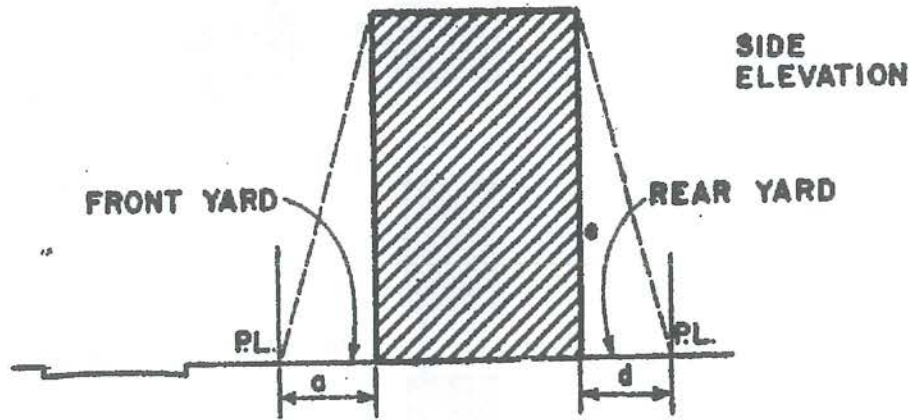
SEE
6-909

- j. MAXIMUM BUILDING
 COVERAGE
 $\frac{\text{GROUND FLOOR +}}{\text{BY LOT AREA}}$

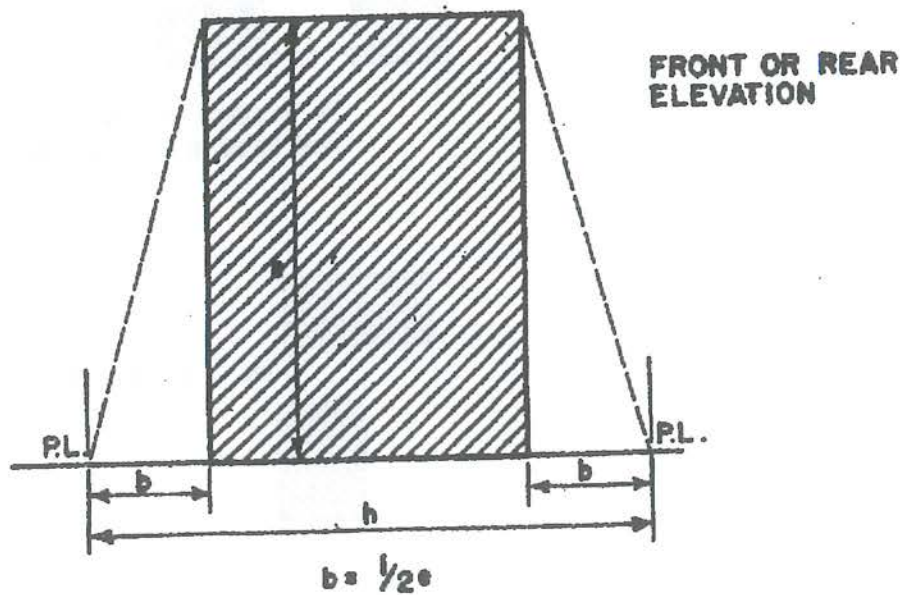


YARD REQUIREMENTS BUILDINGS OVER 2 STORIES DISTRICT R-2100

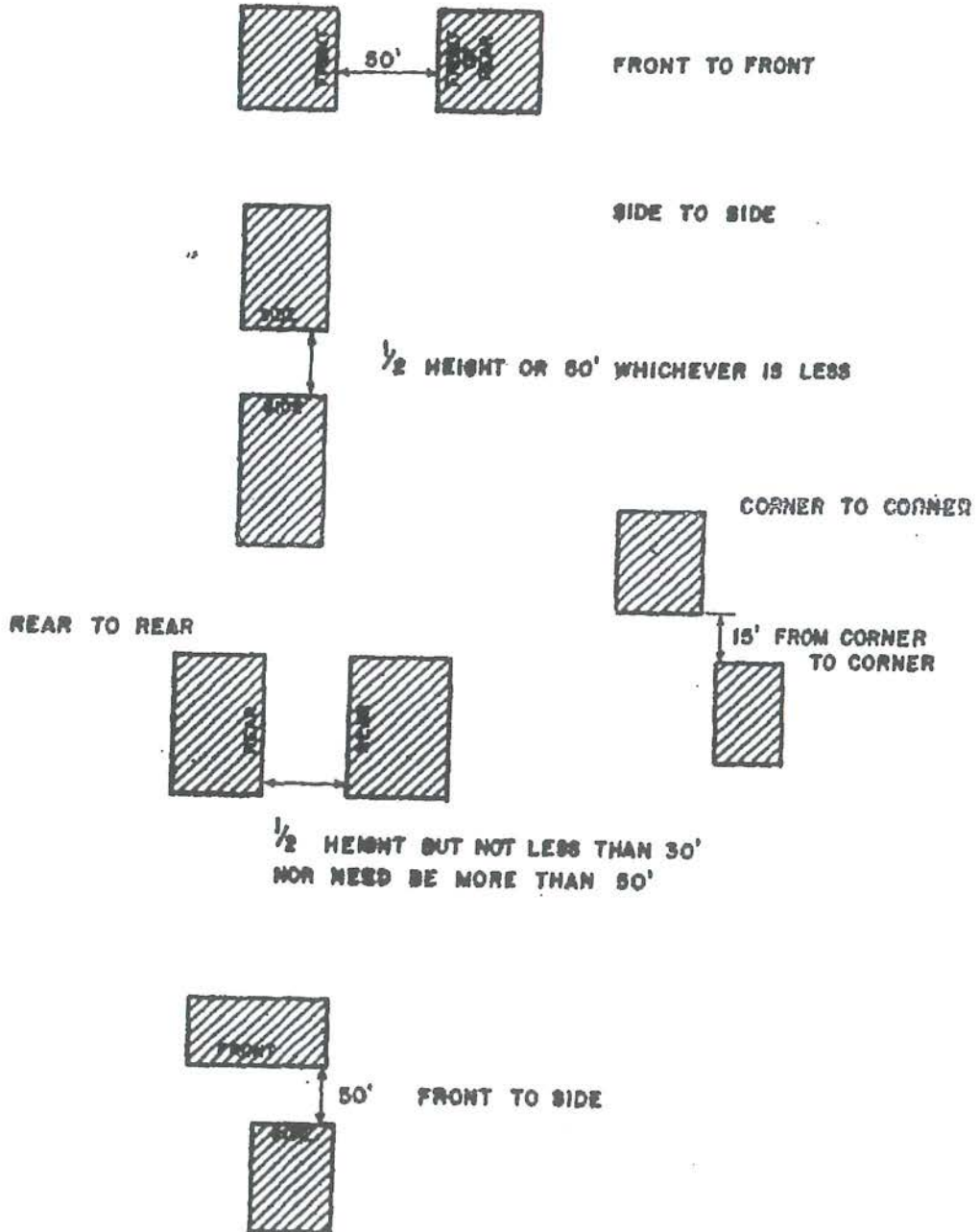
FRONT AND REAR YARDS



LOT WIDTH AND SIDE YARDS



**LOTS WITH MORE THAN 1 APARTMENT
BUILDING / LOT - BUILDING SPACING**



APPENDIX A—ZONING

Art. 6

Type Use	R-840C	R-4200	R-2100	G-0	G-1	G-2	G-3	G-3	M-1	M-2	PD	
6-901				a. MINIMUM FRONT YARDS (IN FEET)								
Any Use	25	25	25	25	25	25	0	25	25	25	25	
6-902.1				b. MINIMUM SIDE YARDS (IN FEET)								
Residential Uses Up to 2 stories	10% of lot width 5' Minimum—15' Maximum	*	*	*	*	*	*	*	*	*	See Section 6-800	
Residential Uses Over 2 stories	**			½ height or 25' which ever is greater								
6-902.2				c. MINIMUM SIDE YARD CORNER LOT								
Any Use	7	7	7	25	25	25	0	25	25	25	25	
6-903				d. MINIMUM REAR YARD (IN FEET)								
Residential Main Building	15	15	15	15	15	15	15	15	15	15	See Section 6-800	
Other Uses	15	15	15	15	15	**	**	**	**	**	0	

* This particular use not permitted in District.
 ** No Limitations.

R-8400 R-4200 R-2100 C-0 C-1 C-2 C-3 M-1 M-2 PD

e. MAXIMUM BUILDING HEIGHT (IN FEET)

35 35 ** 35 35 ** ** ** ** ** ** ** ** **

f. MINIMUM DWELLING SIZE SQUARE FEET LIVING SPACE

6-904	Any Use	35	35	**	35	35	**	**	**	**	**	**
6-905	Residential 2 stories	1000	900	600	*	*	*	*	*	*	*	600
	Residential More than 2 stories	*	*	*	**	**	**	**	**	**	**	**

Minimum dwelling sizes shall be complete exclusive of breezeways, open porches, carports, garages, access hallways, and accessory buildings or spaces for accessory uses.

g. MINIMUM LOT AREA (SQUARE FEET/FAMILY)

6-906	One Family Dwelling detached	8400	8400	8400	*	*	*	*	*	*	*	8400
	One Family Dwelling attached	*	8400	8400	*	*	*	*	*	*	*	8400

* This particular use not permitted in District.
 ** No Limitations.

APPENDIX A—ZONING

Art. 6

	R-8400	R-4200	R-2100	C-0	C-1	C-2	C-3	M-1	M-2	PD	
Two Family Dwelling	*	4200	4200	*	*	*	*	*	*	3500	
Multiple Family 2 stories	*	*	2100	*	*	*	*	*	*	2100	
Multiple Family More than 2 stories	*	*	2100	1500	1500	1000	1000	*	*	1000	
6-907	h. MINIMUM LOT WIDTH (FEET)										
One Family Dwelling detached	70	70	70	*	*	*	*	*	*	*	
One Family Dwelling attached	*	35	35	*	*	*	*	*	*	*	
Two Family Dwelling	*	70	70	*	*	*	*	*	*	*	
Multiple Family 2 stories	*	*	70	*	*	*	*	*	*	*	
Multiple Family More than 2 stories	*	*	100' (or twice the height whichever greater)								varies

* This particular use not permitted in District.

	R-8400	R-4200	R-2100	C-0	C-1	C-2	C-3	M-1	M-2	PD
6-908										
All Residential	110	110	110	0	0	0	0	*	*	varies
Non-Residential	110	110	110	0	0	0	0	0	0	*
6-909										
All Uses	35%	40%	40%	50%	50%	50%	100%	50%		*

i. MINIMUM LOT DEPTH

j. BUILDING COVERAGE OF LOT

6-910. Spacing between residential buildings with more than one main building per lot.

The open space between buildings shall not be less than:

1. One-half the height of the building but need not exceed 50 feet from side of one building to side of another;
2. 15 feet from corner of one building to corner of another;
3. 50 feet from front of one building to front of another;
4. 50 feet from front of one building to rear of another;
5. 50 feet from front of one building to side of another;
6. One-half the height of the building but not less than 30 feet nor need it be more than 50 feet from rear of one building to rear of another.

6-1000. Supplementary district regulations.**6-1001. Visibility at intersections.**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection of curbs.

6-1002. Fences, walls and hedges.

Notwithstanding other provisions of this Ordinance, fences, walls and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2½) feet in height.

6-1003. Accessory buildings.

Accessory buildings must conform to all height area and yard requirements of the district within which they are located, except that an accessory building may be placed within a required rear yard but no more than seven and one-half (7½) feet from the rear property line. No accessory building may be placed or erected within five (5) feet of any other building.

6-1004. Erection of more than one principal structure on a lot.

In any district more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as provided in this Ordinance. A site plan must be submitted to the Building Inspector and approved before a building permit for the structure can be issued.

6-1005. Exceptions to height regulations.

The height limitations contained in the Schedule of District Regulations are exempt for spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy with approval after public hearing of the Planning Commission.

6-1006. Structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

6-1007. Parking, storage or use of major recreational equipment.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers,

travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles) motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

6-1008. Parking and storage of certain vehicles.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

In any of the residential districts, no parking space, garage or carport or other vehicle storage space or structure shall be used for the storage of any truck, truck trailer or van, except panel and pick-up trucks not exceeding one and one-half (1½) ton capacity.

6-1100. Parking and loading requirements.

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract or within 150 feet of such building or structure vehicle spaces for the uses specified in the designated district, and no existing vehicle parking in connection with said uses at the effective date of this Ordinance may be reduced below the minimum number of spaces as hereinafter required. Uses in District C-3, Central Business District, are exempt from these requirements.

<i>Use</i>	<i>Parking requirements</i>
Shopping centers containing more than 4 separate businesses as a part of Planned Development District	5.5 spaces per 1000 square feet of gross leasable area (See definition)
Motels, Hotels, Clubs and Tourist Courts	One space per sleeping room
Restaurants, Cafeterias	One space per 3 seats (Minimum 5 spaces)
Retail, Personal Service or Offices	One space per 100 square feet (Minimum 5 spaces)
Places of Public Assembly (i.e., Churches, Theaters, Meeting Rooms, Etc.)	One space per 3 seats
Manufacturing, Warehousing and Storage	One space per 1.5 employee or 1 space per 1000 sq. ft., whichever is greater
Hospitals	One space per 2 beds
Golf Course	30 spaces
High School, College, University	One space per teacher station plus 1 space/2 students
Jr. High and Elementary School	One space per teacher station plus 5 spaces
Residence, Apartment, Sleeping Room, Mobile Home	Two spaces for each dwelling unit, sleeping room, or other housekeeping unit
Gasoline Service Stations, Repair Garages, Glass Replacements, Muffler Shops, Tire Replacement and Repair	Minimum 6 spaces or 3 spaces per mechanic, whichever is greater

Loading: The loading and unloading of any vehicle from any business or industrial use shall be conducted in such a manner as not to obstruct freedom of traffic movement on any public way, sidewalk, or alley.

6-1101. Other parking regulations.

- a. All spaces shall be off-street.
- b. Parking for uses requiring more than 4 spaces shall be in a parking lot with ingress and egress by driveways not to exceed 35 feet in width.
- c. The parking space shall be at least 9.0 feet by 20 feet, plus the maneuvering space necessary to utilize each space.
- d. Any lights used to illuminate parking areas shall be directed away from any adjacent residence.
- e. Parking areas and spaces shall be permanently surfaced with either asphaltic or Portland cement concrete, according to City specifications.
- f. No portion of the parking area, including maneuvering space, shall extend into the public right-of-way or alley.
- g. Where a question arises concerning the minimum off-street parking requirement for any use not specifically listed, the requirements may be interpreted as those of a similar listed use.

6-1200. Sign regulation.

The districts in which signs may be permitted are enumerated in Article 6-308. The following regulations shall apply to the various types of signs and attention-getting devices.

6-1201. Permanent signs.

<i>Type Sign</i>	<i>Maximum area</i>	<i>Zoning Districts</i>	<i>Spacing Standards</i>
Nameplate	4 sq. ft. No restriction	Residential Other district	
Institutional sign	30 sq. ft. No restriction	Residential	

<i>Type Sign</i>	<i>Maximum area</i>	<i>Zoning Districts</i>	<i>Spacing Standards</i>
Apartment	50 sq. ft.	All districts permitting Apartments	1/street frontage
Business sign	No restriction	In districts permitted	
Advertising signs or Billboards	No restriction	In districts permitted	

TEMPORARY SIGNS:

Real Estate	12 sq. ft.	All districts	1/site
Construction	60 sq. ft.		1/site
Development	900 sq. ft.		1/100 acres

6-1203.

No signs shall be constructed to exceed the maximum building height of the district.

6-1204.

No sign shall be located so as to interfere or cause confusion with traffic control devices.

6-1205.

No sign in a residential district or within 100 feet of a residential district shall be directly illuminated or of a flashing type.

Signs may protrude into a public right-of-way, but no part of the sign shall extend beyond the back of the curb. Where no curbs are existing, the building inspector shall establish the curblines or limit line.

ARTICLE 7.**DEFINITIONS****7-100.**

For the purposes of this Ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," the word "shall" or the word "must" is mandatory; the term "used for" includes the meaning "designed for" or "intended for."

Accessory building or use: A subordinate building having a use customarily incident to and located on the lot occupied by the main building or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof and designed as an integral part of the main building.

Agriculture: The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in the vicinity. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten (10) acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

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

Alteration: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

Apartment: A room or a suite of rooms within an apartment house arranged, intended or designed for a place

of residence of a single family or group of individuals living together as a single housekeeping unit.

Apartment house: A building arranged, intended, or designed for more than two families.

Apartment hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Basement: A story below the first story, as defined under "Story," counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Block: A piece or parcel of land entirely surrounded by public highways or streets other than alleys. In cases where the platting is incomplete or disconnected, the Building Inspector shall determine the outline of the block.

Boarding house or lodging house: A building other than a hotel occupied as a single housekeeping unit where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building: An enclosed structure anchored to permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed as one building.

Court: An open, unoccupied space other than a yard, bounded on three or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

Curb level: The mean level of the curb in front of the lot or in case of a corner lot along that abutting street where the mean curb level is the highest.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, house trailers or mobile homes.

Dwelling, one-family: A detached building arranged, intended or designed for occupancy by one family.

Dwelling, two-family: A building arranged, intended or designed for occupancy by two families.

Dwelling, multiple: A building or portion thereof arranged, intended or designed for occupancy by three or more families, including apartment houses, row houses, tenements and apartment hotels.

Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants), living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

Garage, community: A building or portion thereof other than a public, private or storage garage as defined below, providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of block.

Garage, private: An accessory building for storage only of motor vehicles.

Garage, public: A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles which is operated for commercial purposes.

Garage, storage: A building or portion thereof, except those defined as a private, public or community garage providing storage for more than four (4) motor vehicles with facilities for washing but no other services.

Gross leasable area: The total floor area of all buildings designed for tenant occupancy and exclusive use, including

basement, mezzanine and upper floors, if any, measured from the center line of joint partitions and from outside wall faces.

Height of buildings: The vertical distance measured from the highest of the following three levels:

- a. From the street curb level;
- b. From the established or mean street grade in case the curb has not been constructed;
- c. From the average finished ground level adjoining the building if it sets back from the street line to the level of the highest point of the roof.

Height of yard or court: The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Home occupation: An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no sales on the premises in connection with such home occupation;

- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

Hotel: A building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve (12) sleeping rooms and no provisions for cooking in individual rooms.

Lot: A parcel of land occupied or to be occupied by one main building or unit group of buildings and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots or tract or tracts, as conveyed, or parts thereof.

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

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

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

Lots in separate ownership at the time of passage of this ordinance: A lot whose boundary lines along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Recorder of Deeds of the county on or before the date of the adoption of this Ordinance.

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

Lot lines, front: The boundary between a lot and the street on which it fronts.

Lot lines, rear: The boundary line which is opposite and most distant from the front street line, except that in the case of uncertainty the Building Inspector shall determine the rear line.

Lot line, side: Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot depth: The mean horizontal distance from the front street line to the rear line.

Lot width: The horizontal distance between side lines measured at the front building line.

Nonconforming use, building or yard: A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of this Ordinance.

Place: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Service floor area: The total floor area of a building exclusive of stairways, rest rooms, storage rooms, hallways or other areas which are not regularly used by inhabitants, visitors, employees, clients, customers, patients or patrons in their normal everyday use of the building.

Sign: Any words, numerals, figures, devices, designs or trademarks by which information is made known, such as are used to identify a building, structure or object or to designate or mention an individual, profession, firm, business or commodity.

Stable, private: An accessory building for the keeping of horses or ponies or cows owned by occupants of the premises and not kept for remuneration, hire or sale.

Stable, public: A stable other than a private or riding stable, as defined herein.

Stable, riding: A structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

Story: The interior space of a building whose ceiling height is not more than four (4) feet above the curb level or the established mean street grade in the case that the curb has not been constructed or the average finished ground level adjoining the building.

Street: A right-of-way which affords principal means of vehicular access to property abutting thereon.

Street line: The dividing line between the street and the abutting property.

Structure: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including but not limited to signs and excepting utility poles, fences and retaining walls.

Structural alterations: Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Trailer (house) or mobile home: Any structure, including canopies and other attachments, used for living or sleeping purposes which has no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place.

Trailer or mobile home park: Land used or intended to be used, let or rented for occupancy by 25 or more house trailers or mobile homes.

Tourist court or motel: A tract or parcel of land upon which two or more tourist sleeping units and the required parking areas are located.

Variance: Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Powers and Duties of the Board of Adjustment.

Yard: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. Where lots abut a street that is designated a thoroughfare on the Thoroughfare Plan, all yards abutting said street shall be measured from a line one-half of the proposed right-of-way width from the center line or from the lot line, whichever provides the greater setback. On other lots all yards abutting a street shall be measured from a line twenty-five (25) feet from the center line or from the lot line, whichever provides the greater setback.

Yard, front: A yard across the full width of the lot from the front line of the main building to the front line of the lot.

Yard, rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side: A yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

ARTICLE 8.**ADMINISTRATION AND ENFORCEMENT****8-100. Administration and enforcement.**

An administrative official designated by the City Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done, or he shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

8-101. Building permits required.

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception or variance, as provided by this Ordinance.

8-102. Application for building permit.

All applications for building permits shall be accompanied by plans, in triplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such

other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

One copy of the plans shall be returned to the applicant by the administrative official after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

8-103. Certificates of zoning compliance for new, altered or nonconforming uses.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconformity differs from the provisions of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not

exceeding six (6) months during alterations or partial occupancy of a building pending its completion provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 11 of this Ordinance.

8-104. Expiration of building permits.

If the work described in any building permit has not begun within sixty (60) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official, and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

8-105. Construction and use to be as provided in applications, plans, permits and certificates of zoning compliance.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this Ordinance and punishable as provided by Section 11 hereof.

ARTICLE 9.**BOARD OF ADJUSTMENT
ESTABLISHMENT AND PROCEDURE****9-100.**

The Board of Adjustments (Zoning) is hereby continued in accordance with the provisions of Article 1011g, Vernon's Texas Civil Statutes, as revised regarding the zoning of cities. The word "Board," when used in this Ordinance, shall be construed to mean the Board of Zoning Adjustments.

9-101.

The Board shall consist of five (5) taxpayers and residents of Marlin appointed by the Mayor and approved by the City Council. The term of office of the members of the Board shall be two (2) years. The members shall elect their own chairman and secretary, who shall serve for one (1) year. Vacancies shall be filled for the unexpired term only, and members shall serve without compensation. Members may be removed for cause by the Mayor and City Council upon written charges and after public hearing. The Board shall adopt rules of procedure in accordance with the provisions of these Regulations. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep Minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members of the Board shall constitute a quorum for the transaction of business, provided, however, that the concurring vote of three (3) members of the Board shall be necessary to effect a ruling in favor of an appellant.

9-102. Appeals.

Appeals to the Board of Zoning Adjustments may be taken by any person aggrieved or by an office, department,

or board of the City of Marlin affected by any decision of the Building Inspector. Such appeal shall be taken within thirty (30) days by filing with the officer from whom the appeal is taken and with the Board a notice of appeal in writing specifying the grounds thereof. A fee of fifty dollars (\$50.00) shall accompany such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

9-103.

The Board shall fix a reasonable time for the hearing of an appeal. Notice of time, place and subject of such hearing shall be posted in a public place.

9-104.

The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of the Zoning Ordinance. The Board may, when it shall deem the same necessary, grant variances from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship and provided that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit a use not permitted by the Zoning Ordinance in such district. A variance may be granted, in such case, upon a finding by the Board that all of the following conditions have been met.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant.

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

In exercising the foregoing powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit.

9-105. Variances, conditions governing applications, procedures.

To authorize upon appeal in specific cases such variance 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 would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a variance is submitted demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. 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.

No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands structures or buildings in other districts shall be considered grounds for the issuance of a variance.

- b. Notice of public hearing shall be given as in Section 9-102 above;
- c. The public hearing shall be held. Any party may appear in person or by agent or by attorney;
- d. The Board of Adjustment shall make findings that the requirements of Section 9-104 have been met by the applicant for a variance;
- e. The Board of Adjustments shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
- f. The Board of Adjustments shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance the Board of Adjustments may prescribe appropriate conditions and safeguards in confor-

mity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 16 of this Ordinance.

Under no circumstances shall the Board of Adjustments grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

9-106. Appeals from the board of adjustments.

Any person or persons or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustments may seek review by a court of record of such decision in the manner provided by the laws of the state.

9-107. Duties of administrative official, board of adjustments, city council and courts on matters of appeal.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official and that such questions shall be presented to the Board of Adjustments only on appeal from the decision of the administrative official and that recourse from the decisions of the Board of Adjustments shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the City Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, and (2) establishing a schedule of fees and charges as stated in Section 12 below.

ARTICLE 10.**PROCEDURE FOR AMENDMENTS OR
SPECIAL USE PERMITS****10-100.**

Applications for amendment, revision or change of the Zoning District Map may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Planning Commission and duly filed with the Building Inspector.

Application for amendment, revision or change of any of the rules, regulations or provisions of the text of this Ordinance other than the Zoning District Map or application for a Special Use Permit may be made by any interested person on forms prescribed by the Planning Commission and duly filed with the Building Inspector.

10-101.

A fee of fifty dollars (\$50.00) shall accompany each application for an amendment or Special Use Permit. Immediately upon receipt of such application, the Building Inspector shall note thereon the date of filing and make a permanent record thereof.

One application may be made for more than one amendment, revision or change per parcel by an applicant, but publication costs for more than three (3) lines of advertisement shall be charged the applicant.

10-102.

All such applications shall be set down for hearing before the Planning Commission after at least twenty (20) days following the date of the application. Notice of such hearing shall be published in one (1) issue of a newspaper of general circulation within the City, such notice to be published not

more than fifteen (15) days and not less than five (5) days prior to date of said hearing before the Commission. Written notice of all public hearings on proposed changes in classification shall be sent to all owners of property or to the person rendering the property for City taxes located within two hundred (200) feet of any property affected thereby within not less than ten (10) days before any such hearing is scheduled. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Commission be continued.

Upon the final hearing of such application, the Commission shall approve or deny the same, and a report of such action; together with a recommendation for final approval or denial, shall be made by the Commission to the City Council.

Before acting upon any application for amendment or Special Use Permit, the City Council shall set a time and place for a hearing thereon, notice of which hearing shall be published at least one (1) time in a newspaper of general circulation in the City not less than ten (10) days prior to the date of such hearing.

10-103.

Recommendations for revision or amendment of this Ordinance, including the Zoning District Map, may also be made by the Planning Commission upon its own motion for final determination by the City Council; likewise, the Commission may revise, modify or amend this Ordinance, including the Zoning District Map, upon its own motion; provided, however, that such proposed changes shall first be submitted to the Planning Commission for recommendation and report. In either case final action thereon shall be taken only upon notice and hearing, as provided herein.

In case a written protest against such revision or amendment is presented duly signed and acknowledged by the owners of twenty percent (20%) or more of the land (exclusive of streets and alleys) included in such proposed change or forty percent (40%) within an area determined by

lines drawn parallel to and two hundred (200) feet distant from the boundaries of the district proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all of the members of the Planning Commission and City Council.

If the Planning Commission recommends against the enactment of any proposed amendment, it shall become effective only by a three-fourths ($\frac{3}{4}$) vote of the City Council.

10-104. Limitation on reapplication.

Upon denial of an amendment of this Ordinance or Special Use Permit by the City Council, reapplication of a like nature or less restricted use shall not be heard within one (1) year of the date of denial, provided that the owner may present, by letter, a request to the City Council stating how conditions have changed since the previous hearing and setting forth the merits of rehearing the application. Should the City Council concur on the justification for rehearing, it may order a hearing for amendment or Special Use Permit. The procedures set forth herein for filing an application, including the paying of the application fee, shall be followed.

ARTICLE 11.

VIOLATION AND PENALTY

11-100.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this Ordinance, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure or land or

to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the Building Inspector or other officer authorized to issue building permits who is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Ordinance.

11-101.

The owner or general agent of a building or premises where a violation of any provision of said Ordinance has been committed or shall exist or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00).

ARTICLE 12. SAVING CLAUSE**12-100. Saving clause.**

All rights or remedies of the City of Marlin are expressly saved as to any and all violations of previous zoning regulations or amendments thereto of said City that have accrued at the time of the effective date of this Ordinance; and to such accrued violations, the City and the courts shall have the powers that existed prior to the effective date of this Ordinance; and that all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this Ordinance shall not become legal nonconforming uses under this Ordinance, but shall be violations of this Ordinance in the same manner that they were violations of prior zoning regulations.

ARTICLE 13. INVALIDITY OF A PART**13-100.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

ARTICLE 14. REPEAL**14-100.**

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.

APPENDIXES A AND B. RESERVED**APPENDIX C. MOBILE HOME PARK FACILITIES*****ORDINANCE NO. 89-27**

An Ordinance of the City of Marlin, Texas, adopting Appendix C, Mobile Home Park Facilities, to the Code of Ordinances of the City of Marlin, Texas and repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause.

Be It Ordained by the City Council of the City of Marlin, Texas:

Section 1.

That the following Mobile Home Park Ordinance be adopted as Appendix C to the Zoning Ordinance of the City of Marlin, Texas.

PURPOSE

The purpose of this ordinance is to establish regulations governing the development, expansion and use of mobile home park facilities within the City of Marlin. This ordinance is [adopted] so as to insure that such facilities as will reasonably address those particular considerations presented in mobile home park development.

I. DEFINITIONS

(a) All definitions contained in this section are for use and are only applicable as used in connection with this ordinance.

(b) *Mobile home* means a structure, transportable in one (1) or more sections, which is eight (8) or more body feet in width, and thirty-two (32) or more body feet in length, and which is built on a permanent chassis, and is designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities including plumbing, heating, air conditioning

***Editor's note**—Ord. No. 89-27, §§ 1—3, adopted July 11, 1989, enacted an Appendix C to the zoning ordinance. Such appendix pertained to mobile home park facilities and is included to read as herein set out, with the exception that words appearing in brackets [] were added by the editor for clarity, and any obvious misspellings were corrected without comment.

and electrical systems. For the purpose of this ordinance, "mobile home" shall be construed to include single section and multi-section units.

(c) *Mobile home park* means any lot or tract of land upon which fifteen (15) or more mobile homes, occupied for dwelling purposes, are located, including any buildings, structures, fixtures and equipment used in connection with mobile homes, regardless of whether or not a fee is charged for such accommodations.

(d) *Mobile home space* means a plot of land within a mobile home park designed for the accommodation of one (1) mobile home in accordance with the requirements of this ordinance.

(e) *Recreational vehicle* may be construed as including any of the following:

- (1) *Travel trailer* means any vehicular structure built on a chassis with a body width less than eight (8) feet, and a body length less than thirty-two (32) feet. Said structure is designed to be transported, and intended for human occupancy as a dwelling for short periods of time, and containing limited or no kitchen/bathroom facilities.
- (2) *Pickup coach* is a structure designed to be mounted on a truck chassis, for use as a temporary dwelling for travel, recreation, or vacation.
- (3) *Motor home* is a portable, temporary dwelling to be used for travel, recreation, and vacation; constructed as an integral part of a self-propelled vehicle.
- (4) *Camping trailer* is a canvass, folding structure mounted on wheels and designed for travel, recreation and vacation use.

(f) *Recreational vehicle space* means a plot of land within a recreational vehicle park, designed for the accommodation of one (1) recreational vehicle in accordance with the requirements of this ordinance.

(g) *Licensee* means any person licensed to operate and maintain a mobile home or recreational vehicle park under the provisions of this ordinance.

(h) *Natural or artificial barrier* means any embankment, fence, hedge, or other feature that serves to block direct pedestrian access or visibility.

(i) *Person* means any natural individual, firm, trust, partnership, association, or corporation.

(j) *Owner* is to include the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.

(k) *Operator* is defined to include the person in charge of operating any mobile home or recreational vehicle lease, or any other arrangement whereby he exercises control over the premises.

II. ZONING DISTRICT REGULATIONS

In accordance with the zoning ordinance of the City of Marlin, mobile home parks may be located in R-4-200 and R-2-100 only, subject to the acquisition of a special permit granted by the city council and the submission and approval of all plans.

Each mobile home park boundary, except those adjacent to a street or highway right-of-way, shall be provided with a continuous natural or artificial barrier.

III. SPECIAL PERMIT REQUIREMENT

(a) *Application for special permit.* Application for the special permit shall be made to the city council, such application to be filed with a complete plan (in triplicate) of the mobile home or park facility in conformity with No. VII of this ordinance, Development Plans and Specifications. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within mobile home park shall be provided in triplicate. Such application for special permit shall be subject to the review and approval procedure delineated in the zoning ordinance in the City of Marlin, Texas.

(b) *Transfer of special permit.* An existing special permit may be transferred from one individual or corporation to another individual or corporation without a public hearing, upon application to the city council.

IV. LICENSE

It shall be unlawful for any person to maintain or operate a mobile home or park within the limits of the city, unless such person shall first obtain a license as issued by the building official of the city. Such license shall be valid for a period not to exceed one (1) year and is subject to renewal upon expiration. This license shall be in addition to the special permit set out in II and III above.

V. LICENSE FEES

(a) The annual license fee for each mobile home park shall be one hundred dollars (\$100.00).

(b) The fee for transfer of a license shall be fifty dollars (\$50.00).

VI. APPLICATION FOR LICENSE

(a) *Application for initial license.* An application for initial development of a mobile home park shall be filed with the [and] issued by the building official of the city. The application shall be in writing, signed by the applicant, and shall include the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the mobile home park.
- (3) A complete plan of the subject park and conformity with the requirements of VII of this ordinance.
- (4) Plans and specifications of all buildings, improvements, and facilities constructed within the mobile home park.
- (5) Evidence of special permit approval, if required.
- (6) Such additional information as may be requested by the building official of the city, to facilitate a determination as to compliance of the proposed park with established legal requirements.

The building official of the city shall inspect the application and the proposed plans and specifications. In the event that the proposed mobile home park will, when constructed or altered in

accordance with such plans and specifications, be in compliance with all provisions of this ordinance and all other applicable ordinances and statutes, the building official of the city shall approve the application and upon completion of the park according to the plans, shall issue the license.

In those instances in which a mobile home park is proposed for development which fails to reasonably satisfy particular requirements as herein prescribed a variance to certain of these requirements may be requested of the board of adjustment of the city. Those requirements for which a variance may be granted, in addition to the procedure governing the operation of the board of adjustment, are delineated in the zoning ordinance of the City of Marlin, Texas.

(b) *Application for renewal license.* Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the building official of the city shall conduct an on-site inspection of the subject mobile home park to ascertain compliance with the requirements established in this ordinance. Subsequent to a determination of compliance, the building official of the city shall issue a certificate renewing such license for another year.

(c) *Transfer of license.* Upon application in writing for a transfer of license, the provision of evidence of special permit transfer, if required, and payment of the license transfer fee, the building official shall issue a transfer of license.

(d) *Expiration date of license.* All licenses issued under the terms and conditions of this ordinance shall be for one (1) calendar year from the issuance date.

(e) *Nonconforming mobile home parks.* Such mobile home parks lawfully in operation on the effective date of this ordinance and not in compliance with those regulations established herein may, upon application to the building official of the city of license renewal be permitted to continue that operation as a nonconforming mobile home park facility. Any expansion and/or extension of

said nonconforming mobile home park, however, is subject to and shall be in compliance with the regulations established in this ordinance.

VII: DEVELOPMENT PLANS AND SPECIFICATIONS

Development plans as formulated for a proposed mobile home park are to be submitted to the building official, City of Marlin. Such development plans shall exhibit on a scale of one hundred (100) feet to one (1) inch (1" = 100') the following site improvement data:

- (a) Name of the developer.
- (b) Name of the record owner of the subject property.
- (c) Legal description of the tract to be developed.
- (d) Tract boundary lines, the precise locations and width of all existing or recorded streets, easements and other rights-of-way forming the boundary of the subject tract.
- (e) Scale, north arrow and date.
- (f) Final contour data at two (2) foot intervals to show drainage of the site or as approved by the city engineer.
- (g) Width of each private street or other roadway or right-of-way.
- (h) Source of water supply and layout of water system including locations of standard fire hydrants required in section XIV, Fire Protection.
- (i) Method of sewage disposal and layout of sewer system.
- (j) Name of the mobile home park.
- (k) Location, dimensions, and purposes of any easements.
- (l) Boundaries of each mobile home space.
- (m) Address assignments (numbers) to identify individual home spaces.
- (n) Front building setback lines on all mobile home spaces.
- (o) Location and quantity (in acres) of common recreation area.

VIII. MOBILE HOME PARK REGULATIONS

The regulations described herein govern the development, operation, and maintenance of those mobile home parks which exclusively accommodate mobile home uses as previously defined and do not provide facilities to accommodate recreational vehicles, as defined.

(a) *Mobile home park development requirements:*

- (1) The mobile home park shall be located on a well-drained site, properly graded to insure adequate drainage and freedom from standing pools of water. This location must contain a minimum of three (3) acres with a minimum width of two hundred fifty (250) feet and a minimum depth of two hundred fifty (250) feet at its narrowest points.
- (2) Mobile home spaces shall be provided consisting of a minimum of three thousand five hundred (3,500) square feet for each space which shall be at least forty (40) feet wide and clearly defined; provided, however, that mobile home parks in existence on the effective date of this ordinance which provide mobile home spaces having a width or area less than that above prescribed may continue to operate with spaces of the existing width and area, but in no event shall a mobile home space be less than twenty-five (25) feet wide and have an area of less than twelve hundred fifty (1,250) square feet.
- (3) Mobile homes shall be placed on each lot so that irrespective of spatial orientation, a fifteen (15) foot separation shall be provided between mobile homes. No mobile home shall be located closer than fifteen (15) feet from any building right-of-way or any property line bounding the park.
- (4) All mobile home spaces shall abut upon a paved driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private street. Paved off-street parking facilities in the ratio of two (2) spaces for each mobile home space shall be provided. Such parking facilities shall be included to satisfy the minimum mobile

home space area requirement and shall be considered when determining separation between mobile homes. Yard maintenance will be the responsibility of the park owner.

- (5) Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings and/or common recreational area. All driveways and walkways shall be constructed of asphalt, brick, or concrete. Internal streets shall be paved according to the following standards:
 - (i) Construction of sub-grade
 - (a) Preparation of sub-grade—Flexible base material shall be composed of crusher-run broken stone and shall be constructed with a maximum of four-inch (4") lifts. The sub-grade shall be excavated and shaped [in] conformity with the typical sections shown on the details. Before base material is placed, the sub-grade shall be thoroughly wetted, bladed, and rolled until a minimum of ninety-five (95) percent of maximum density has been attained for a six-inch (6") depth.
 - (b) First and intermediate lifts—Flexible base material deposited upon the sub-grade shall be spread, shaped, and rolled the same day unless otherwise authorized by the city, in which case the city will provide directions for avoiding damage from the delay. This lift shall be wetted, bladed, and rolled until a minimum of ninety-five (95) percent density has been attained.
 - (c) Final lift—Construction methods for the final lift shall be the same as prescribed for the first lift with the addition of the following:
 - (d) Any deviation, in the finished surface in excess of one-fourth-inch ($\frac{1}{4}$ ") in cross-section or in a length of sixteen (16) feet measured longitudinally, shall be corrected by loosening, adding, or removing material, reshaping and recompacting by sprinkling and rolling.

(ii) Hot mix asphaltic concrete pavement

- (a) Asphaltic concrete pavement shall consist of a compacted mixture material as specified and shall be constructed on a flexible base and shall be constructed in accordance with the standards set out above. The asphaltic material shall form four-and-a-half percent (4½%) to seven percent (7%) of the mixture weight. The course shall be gravel or crushed stone, uniform in quality throughout, shall be free from dirt, organic, or other injurious matter occurring either free or as coating on the aggregate. The fine aggregate shall consist of sand, stone screenings, or a combination of both. Sand shall be composed of sound, durable stone particles free from loams or other injurious foreign matter. Screenings shall be of the same or similar material as specified for coarse aggregate.
- (b) The asphalt mixture, prime coat, or tack coat shall not be placed when the air temperature is below forty-five (45) degrees Fahrenheit and is falling, but may be placed when the air temperature is above forty (40) degrees Fahrenheit and is steady or rising.
- (c) The prime coat shall consist of MC-30 asphalt as specified herein, applied evenly and smoothly at the rate of 0.32 gallons per square yard at a pressure necessary for even distribution.
- (d) If the prime coat is allowed to become over-dry and dusty or traffic is allowed on the prime coat, and the new hot-mix asphalt course, in the opinion of the engineer, will not adhere to the base course, a tack coat shall be applied. The tack coat shall consist of RC-2 cut-back asphalt, as specified herein, applied evenly and smoothly at the rate of 0.10 gallons per square yard, at a pressure necessary for even distribution.

- (e) The hot-mix asphaltic concrete shall arrive on the job site at a temperature between two hundred twenty-five (225) degrees Fahrenheit and three hundred (300) degrees Fahrenheit. In no case shall hot-mix be compacted in place at a temperature less than one hundred seventy-five (175) degrees Fahrenheit.
- (f) After approval of the base by the city the asphaltic mixture shall be applied with a spreading and finishing machine that will produce a smooth and uniform textured surface. Adjacent strips of surfacing will be laid to the extent possible so that the longitudinal joints will be hot joints. Rolling will not be permitted within one (1) foot of exposed longitudinal joint until the adjacent strip has been laid, unless the adjacent strip cannot be laid before the asphaltic material laid will cool below the proper rolling temperature. Transverse joints at the end of the placement, and those which have become cold, will be cut out to a vertical joint. Transverse joints for adjacent strips will be offset by two (2) times the width of the strip.
- (g) Compacting of the asphaltic mixture shall be by use of the steel-wheel roller followed by the tandem and/or roller(s). Each starting at the low side and progressing toward the high center or high side of the pavement. Rolling shall be continued until no further compression can be obtained and until all roller marks are eliminated.
- (h) No traffic will be permitted on surfacing during or after rolling until the asphaltic material has cooled sufficiently to preclude marking or damage.
- (i) Internal streets shall exhibit the appropriate dimensions as required in the following:
 - (1) One-way, no parking (acceptable only if park provides

- less than twenty-five (25) spaces)..... 15 feet
 - (2) One-way parking on one side only (acceptable only if park provides less than fifty (50) spaces)..... 20 feet
 - (3) Two-way, no parking 30 feet
 - (4) Two-way, parking on one side only 35 feet
 - (5) Two-way, parking on either side..... 40 feet
- (6) It shall be unlawful for any person operating a mobile home park, or occupying a mobile home to construct or permit to be constructed within such park, any site-built addition to a mobile home, for living purposes. Manufactured components and awnings of metal suitably constructed, may be attached to a mobile home, provided that:
 - (a) The maximum width of the addition shall not be in excess of the width of the mobile home.
 - (b) The maximum length of the addition shall not be greater than fifty (50) percent of the total length of the mobile home.
- (7) One (1) accessory building for mobile home space shall be permitted for storage purposes, provided that said building is located within a rear or side yard and is not placed within two (2) feet of any mobile home space lot line. Said building shall be no larger than 10 x 12 (120 square feet), and shall be securely anchored.
- (8) The distance from any part of a mobile home to an internal road or street shall be a minimum of ten (10) feet.
- (9) Each mobile home shall be underpinned.
- (10) Not less than eight (8) percent of the gross land area within the mobile home park site is to be utilized for common recreation purposes. No particular recreation site shall be comprised of less than twenty-five hundred (2500) square feet.

- (11) All site-built structures located within the mobile home park shall be constructed and/or placed in compliance with the technical codes of the City of Marlin.
- (12) The mobile home park development plan shall comply with all applicable requirements as stated in the subdivision ordinance of the City of Marlin.
- (13) Service buildings (laundry and sanitation facilities).
 - (a) The provision of common laundry facilities is not required in mobile home parks exclusively serving mobile home uses as previously defined. In the event that common laundry facilities are to be provided within a mobile home park, toilet and lavatory accommodations are to be afforded in accordance with the technical codes of the City of Marlin.
 - (b) Service buildings providing the aforementioned facilities shall satisfy such requirements as include: service buildings housing sanitation and/or laundry facilities shall be permanent structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing, and sanitation systems. Service buildings shall afford appropriate illumination, shall be well-constructed of such moisture-proof material, to include painted woodwork as shall permit frequent cleaning and washing, and shall be maintained at a temperature of sixty-eight (68) degrees Fahrenheit during the period October 1 through May 1. Floors shall be constructed of concrete or other equally impervious material, easily cleanable, and provided with floor drains which shall comply with the city plumbing code.
- (14) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall.
- (15) All service buildings and park grounds shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance, as defined by applicable city codes.

- (16) Service buildings housing sanitation facilities shall be located not closer than fifteen (15) feet to any permanent structure or mobile home.

IX. COMBINED ACCOMMODATIONS

In the event a mobile home park is proposed to provide facilities to accommodate recreational vehicles, the following regulations shall apply and must be pre-approved by the planning and zoning commission and the city council.

- (a) Those accommodations serving the recreational vehicles and mobile homes shall be physically separate and distinct, with the recreational vehicle facilities provided separate access to a public right-of-way such that recreational vehicle traffic does not intrude into the residential portion of the park occupied by mobile homes.

X. WATER SUPPLY

Mobile home parks shall provide an adequate supply of pure water to all mobile home or recreational vehicle spaces within said parks in accordance with applicable ordinances. Each individual mobile home space shall be provided with a cold water tap not less than four (4) inches above the ground.

Initial installations, maintenance and repair of water supply mains, and all yard lines within the park shall be the responsibility of the park owner and/or developer. The developer shall provide individually metered water taps at each mobile home space.

All plumbing work performed within a mobile home park shall comply in all respects with the requirements of the plumbing code of the City of Marlin, and all applicable state requirements.

XI. SEWAGE DISPOSAL

- (a) Waste water from showers, bathtubs, flushed toilets, lavatories, and laundry facilities within the service and/or other buildings within the mobile home park, in addition to dump station facilities, shall be discharged into a public sewer system in compliance with applicable ordinances and codes.

(b) Each mobile home or recreational vehicle space located within a mobile home park facility shall be provided a trapped sewer not less than four (4) inches in diameter. The trapped sewer in each mobile home or each recreational vehicle space shall discharge waste water into a public sewer system in compliance with applicable ordinances and codes.

XII. ELECTRICAL, TELEPHONE, AND CABLE SERVICES

All electrical, telephone, and cable conductors installed within the mobile home park shall be placed underground. Electrical installations shall conform to the requirements of the electrical code adopted for use by the city.

XIII. GARBAGE RECEPTACLES

Within mobile home parks, trash dumpsters and/or receptacles shall be of a size adequate to permit disposal of all garbage and rubbish. Such garbage receptacles shall be located not farther than three hundred (300) feet from any mobile home space. These receptacles shall be maintained in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that said receptacles shall not overflow. Fees for collection and disposal of garbage shall be in accordance with the applicable ordinance governing and regulating refuse services.

XIV. FIRE PROTECTION

(a) *Fire extinguishing equipment required.* Each mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable regulations as stated in the fire codes of the city. No open fires shall be permitted in any place which may endanger life or property. No open fires shall be unattended at any time.

(b) *Fire hydrants required.* Standard fire hydrants, in workable condition, shall be located within five hundred (500) feet of each mobile home space. All such fire hydrants shall be connected to not less than a six-inch (6") diameter water line.

(c) *Individual mobile home space numbering system required.* Within all mobile home and recreational vehicle parks, each

mobile home space shall be assigned a unique number description. Such numbering or lettering shall be not less than three (3) inches in size and of a reflective material and shall be displayed on the mobile home space in a conspicuous location, visible from the internal circulation road which abuts the front yard of the mobile home space.

(d) *Park directory required.* All mobile home parks, as herein defined, shall provide in a conspicuous location at each entrance to a public right-of-way a diagram displaying the location of each mobile home or recreational vehicle space within the park. The diagram of the park layout shall be enclosed in a weatherproof facility.

XV. ANIMALS AND PETS

No owner or person in charge of any dog, cat, or other animal shall permit such animal to run at large or commit any nuisance within the limits of any mobile home park.

XVI. REGISTER OF OCCUPANTS

It shall be the duty of each licensee to maintain a register containing a record of all mobile home owners/occupants located within the mobile home park. The register shall contain the following information:

- (a) The name and address of each mobile home occupant.
- (b) The name and address of the owner of each mobile home within the park.
- (c) The make, model, year, and license number or identification number of each mobile home located within the park.
- (d) The date of arrival and of departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

XVII. SUPERVISION

The licensee, or duly authorized attendant, or caretaker shall be in charge at all times to maintain the mobile home or recreational vehicle park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this ordinance to which the licensee is subject.

XVIII. VIOLATIONS

(a) Where the building official or his agent determines that the operation of a mobile home park violates some provision of this ordinance, or any other provision of the Code of Ordinances of the City of Marlin, a complaint may be filed in the Municipal Court for the City of Marlin, against the owner or operator of the park or both.

(b) Where the building official or his agent determines that the operation of a mobile home park violates some provision of this ordinance, he may suspend the park's license to operate until such time as the park complies with the ordinance. The licensee may appeal this suspension to the zoning board of adjustment of the City of Marlin, as provided for in the zoning ordinance. Operation of a park while the license is suspended shall constitute a violation of this ordinance for the purposes (a) above.

XIX. POSTING OF LICENSE

The license certificate shall at all times be conspicuously posted in the office of or on the premises of the mobile home park.

XX. PENALTY

Any person convicted of a violation of this ordinance shall be fined not less than five dollars (\$5.00), nor more than two hundred dollars (\$200.00) for each offense. Each day the violation exists shall constitute a separate offense.

Section 2.

Mobile home parks located outside the corporate city limits that will be connected to City of Marlin water and/or sewer lines shall comply with said Ordinance 89-27.

Section 3.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

Passed on the First Reading the 13th Day of June, 1989.

Passed and Approved, this the 11th Day of July, 1989.