

## RUSK PLANNING AND ZONING COMMISSION AGENDA

Tuesday, August 02, 2022 – 5:15 P.M.

Rusk Civic Center  
555 Euclid Street, Rusk, Texas

1. Call to order.
2. Discussion and possible action on approval of the minutes for July 6, 2021, and April 5, 2022 meeting.
3. Conduct a public hearing-

### NOTICE OF PUBLIC HEARING ON PROPOSED CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE AMENDMENTS

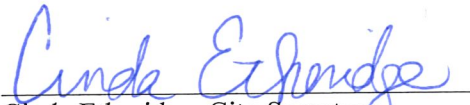
Notice is hereby given that the Planning and Zoning Commission of the City of Rusk, Texas, on **Tuesday, August 02, 2022, at 5:15 p.m.** in the Rusk Civic Center, 555 Euclid Street, Rusk, TX 75785, will hold a public hearing to discuss and review proposed amendments to the Code of Ordinances and Unified Development Code of the City of Rusk, Texas.

The public hearing is to solicit comments from citizens and other interested parties concerning proposed amendments to miscellaneous sections of the City of Rusk's Code of Ordinances and the Unified Development Code: To-wit:

- Amendment to Chapter 33 Departments, Boards and Commissions, amending 33.36
- Amendments to Chapter 96 Health and Sanitation to add a new section, 96.40 - Short-Term Rental Registration.
- Various text amendments; Table 153-1, adding minimum floor area for Single/Multi/Mobile Home Family Dwelling Unit; 153.37 District Purpose – Non-Residential Districts – OTC: 153.74 – Use Allowances, including amendments to Table 153-5 – Residential District Use Table, Non-Residential District Use Table, and Industrial District Use Table.
- Amend Section 153.82 – Special Uses adding a subsection R that will allow Short-Term Rentals by Special Use.

- Amendments to 153-216 General Land Use Definitions.
4. Discuss and consider recommendation on the above referenced public hearing of the amendment to Chapter 33 Departments, Boards and Commissions, amending 33.36.
  5. Discuss and consider recommendation on the above referenced public hearing of the amendments to Chapter 96 Health and Sanitation to add a new section, 96.50- Short-Term Rental Registration.
  6. Discuss and consider recommendation on the above referenced public hearing of the amendments to  
Various text amendments; Table 153-1, adding minimum floor area for Single/Multi/Mobile Home Family Dwelling Unit; 153.37 District Purpose – Non-Residential Districts – OTC: 153.74 – Use Allowances, including amendments to Table 153-5 – Residential District Use Table, Non-Residential District Use Table, and Industrial District Use Table.
  7. Discuss and consider recommendation on the above referenced public hearing of the amended section 153.82- special uses adding a subsection R that will allow Short Term Rentals by Special Use.
  8. Discuss and consider recommendation on the above referenced public hearing of the amended section amendment to 153-216 General Land Use Definitions.
  9. Adjournment

Posted: Friday July 29, 2022  
City Hall Bulletin Board at  
3:00 p.m.

  
Cinda Etheridge, City Secretary

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest of real property] 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment /implementation of security personnel or devices]. A quorum of the governmental body will be physically present at the location noticed above. Pursuant to Tex. Gov't Code 551.127, one or more members of the governing body may appear via videoconference call. The City of Rusk is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.  
**Please call the City Secretary at 903-683-2213 for information.**

# CITY OF RUSK

## Planning and Zoning Meeting Minutes

Tuesday, July 6, 2021

### CALL MEETING TO ORDER

The Rusk Planning and Zoning Board met in regular session on July 6, 2021, in the Rusk Civic Center at 555 Euclid Street. Kathy Harris called the meeting to order at 5:15 p.m.

**Present:**  
Adam Wick  
Kathy Harris  
Larry Moody  
Shana Ferrara  
Susan Haines

#### 1. Call to Order

2. Public hearing. Public hearing. Public notice is hereby given, that on the 1<sup>st</sup> day of June 2021, Bobby Tosh, herein called *applicant*, filed a major plat application requesting the Planning and Zoning Commission review and approve a five (5) lot subdivision in accordance with the Subdivision Ordinance of the City of Rusk, Texas. The creation of four or more lots require Planning and Zoning approval. The property details and location of the proposed subdivision is as follows.

The property under consideration is addressed as **817 W. 6<sup>th</sup> St. Rusk, TX 75785** and located at the corner of S. Easy St. and U.S. Highway 84 (W. 6<sup>th</sup> St.) and approximately 640 feet east of Joplin St.

Currently, there is no structure on the property. Previously, this location had a structure and was used as Rusk Nursing Home. The nursing home was demolished in 2020.

The property under consideration is addressed as **272 N. Main St. Rusk, TX 75785**, and located 487 feet north of E. 7<sup>th</sup> Street at N. Main St. and 321 feet South of E. Hill at N. Main St. Currently, there is no structure on the property.

#### **Currently Zoned (R-1) Single-Family Detached Residential – No Zone Change Required**

5:21 p.m. Public Hearing opened

5:43 p.m. Public Hearing closed

3. Discussion and possible action on the above referenced public hearing on the subdivision. Mr. Tosh is recommending approval to proceed with the development of a subdivision consisting of five (5) single-family homes.

**MOTION:** Board Member Shana Ferrara moved to approve the recommendation of Mr. Tosh development of a subdivision consisting of five (5) single family homes.  
Motion was seconded by Board Member Adam Wick.

**Aye:**       5   Board Member Kathy Harris  
                  Board Member Adam Wick  
                  Board Member Larry Moody  
                  Board Member Susan Haines  
                  Board Member Shana Ferrara

**Nay:**        0

*Motion to approve passed unanimously*

1. Discussion and possible action on approving the Ordinance updating the Unified Development Code Section 153.  
No action taken.

## **11. ADJOURN**

Being no further business, the meeting adjourned at 5:45 p.m.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of August 2022.

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**ATTEST:**

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Cinda Etheridge, City Secretary

# CITY OF RUSK

## Planning and Zoning Meeting Minutes

Tuesday, April 5, 2022

### CALL MEETING TO ORDER

The Rusk Planning and Zoning Board met in regular session on April 5, 2022, in the Rusk Civic Center at 555 Euclid Street. Kathy Harris called the meeting to order at 5:15 p.m.

**Present:**  
Adam Wick  
Kathy Harris  
Larry Moody  
Shana Ferrara  
Susan Haines

1. Call to Order
2. PUBLIC NOTICE is hereby given, that on the 28<sup>th</sup> day of February 2022, Jan Pate, herein called *applicant*, has filed an application requesting the Planning and Zoning Commission to modify the Zoning Ordinance of the City of Rusk, Texas and thereby rezone the hereinafter described property from Old Town Center (*OTC*) *Main Street Overlay District to (PMXU) Mixed Use District* for the residential living spaces. The Mixed-Use District provides centers where higher density development and redevelopment in which a higher intensity of land uses are encouraged.

The property under consideration is addressed as 128 N. Main Street Rusk, TX 75785, known formerly as the Thomas J Rusk Hotel is located downtown across from the courthouse at the corner of N. Main Street and 6<sup>th</sup> Street.

*From (OTC) to (PMXU)*

[Old Town Center to Planned Mix-Use]

Legal Descriptions:

LOT 5 BLK 9 & 6A RUSK THOMAS J RUSK HOTEL

5:18 p.m. Public Hearing opened

Chris Baker spoke against the rezoning.

Ben Mims spoke stating that the definitions were changed of the Old Town Center in September 2021 and doesn't believe was approved.

Lori Neilson spoke out against the rezoning.

Jeanie Swink spoke about the building itself. Is the building safe and is the building up to date on the building codes? Wanting to confirm the electrical wiring is updated and safe. Does the building have a sprinkler system? Are there the required emergency exits? Does every room have access to the escape ladders? Does every room have fire extinguishers?

Anthony King spoke as a local business owner and read the Old Town Center section 153.37 that it encompasses the downtown area and the historical fabric of the area. If the rezoning is approved this is considered spot zoning.

Monica Thomasson spoke stating the original application was for four rooms to be allowed in the building. The existing rooms that are leased out is more than the allotted four rooms. Monica Thomasson requested the rezone be denied.

Lelaini Sales spoke stating the original request was for four room on the second floor. The individual is in violation of the original application and spot zoning is illegal should be denied.

Elizabeth Pharis stated the applicant ignored the requirements of the zoning ordinances and code enforcement request. We own a business downtown and we must abide by the codes and the ordinances. Request the rezoning application should be denied.

Mark Raiborn spoke briefly to the board stating we are not moving forward in the right direction. I came before the Planning and Zoning board with a rezone request. My application was rejected due to a citizen complaint that did not know who would be living or staying at the location. That individual was Jan Pate who is now doing the same thing.

Shana Bollard spoke stating she relocated here due to the sense of community. She does not feel the applicant has been very transparent with his request and what he is doing with the building.

Kelly Clay stated he purchased a building downtown was not aware of the Ordinance change. Mr. Pate is attempting to do some good for the city. The Ordinance being changed was the error. I feel if we need to change the zoning, to allow people a place to live we should change the zoning.

Ken Ferrara stating, he is in support of rental property above business in the downtown area. I feel it is unfair if people own the property, they should be able to rent it.

Dana Philbert stated that when she purchased property downtown, she met with the city manager and the code inspector to find out what was required and find out what was allowed prior to doing any changes. I was upset that the applicant did not have to abide by the same rules as I have to.

6:04 p.m. Public Hearing closed

1. 3. Discussion and consider recommendation on the above referenced public hearing of the requested zone change from Old Town Center (OTC) to Mixed Use District (PMXU) to the Rusk City Council.

**MOTION:** Board Member Shana Ferrara moved to approve the above listed property from Old Town Center (OTC) to Planned Mix-Use (PMXU)  
Motion was seconded by Board Member Adam Wick.

Prior to voting the board discussed asking the City Council to change the definition of Old Town Center. Discussed the size of the rooms.

Board member Shana Ferrara retracted her above motion.

Board Member Susan Haines motion to deny the mix use rezone request and recommend the Rusk City Council revise the Old Town Center definition to allow residency and to give an extension with the eviction of the existing tenants.  
Motion was seconded by Adam Wick.

**Aye:**        5    Board Member Kathy Harris  
                         Board Member Adam Wick  
                         Board Member Larry Moody  
                         Board Member Susan Haines  
                         Board Member Shana Ferrara

**Nay:**        0

*Motion to approve passed unanimously*

**11.    ADJOURN**

Being no further business, the meeting adjourned at 6:53 p.m.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of August 2022.

\_\_\_\_\_  
Kathy Harris, Chairperson

**ATTEST:**

\_\_\_\_\_  
Cinda Etheridge, City Secretary



## NOTICE OF PUBLIC HEARING ON PROPOSED CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE AMENDMENTS

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- Amend Section 153.82 – Special Uses adding a subsection R that will allow Short-Term Rentals by Special Use.
- Amendments to 153-216 General Land Use Definitions.

A second public hearing will be held on the proposed amendments before the Rusk City Council in the Rusk Civic Center, located at 555 Euclid St. Rusk, Texas on **Thursday, August 11, 2022, at 5:30 p.m.**

Public comments can be submitted prior to the public hearing by emailing Cinda Etheridge at [cetheridge@rusktx.org](mailto:cetheridge@rusktx.org) or Brandon Scarborough at [bscarborough@rusktx.org](mailto:bscarborough@rusktx.org). Any questions may be directed to Amanda Hill, City Manager at [ahill@rusktx.org](mailto:ahill@rusktx.org), or at (903)683-2213. Proposed changes will be available, upon request, at City Hall or online at [www.rusktx.org](http://www.rusktx.org).

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Cinda Etheridge, City Secretary



**A PROPOSED ORDINANCE CHANGE FOR THE CITY COUNCIL OF THE CITY OF RUSK AMENDING CHAPTER 33 DEPARTMENTS, BOARDS, AND COMMISSIONS; CHAPTER 96 HEALTH AND SANITATION ADDING SECTION 96-40 – SHORT TERM RENTALS; AND TITLE XV “LAND USE REGULATIONS” CHAPTER 153 “UNIFIED DEVELOPMENT CODE” (UDC) OF THE RUSK CODE OF ORDINANCES.**

“RED” text is the proposed additions/changes to the ordinances.

**CHAPTER 33 DEPARTMENTS, BOARDS, AND COMMISSIONS - Section 33.36 - City zoning is hereby amended to read as follows:**

(A) The city may provide for the zoning of property located in its incorporated limits and the City Council has adopted a Unified Development Code Zoning Ordinance to provide the zoning of districts. The Zoning Ordinance shall allow for the cumulative zoning of districts as follows in subsection (C).

(B) If and when a district is allowed into a commercial or industrial district, the most restrictive zoning requirements shall be met.

(C) Cumulative zoning of districts.

**CHAPTER 96 HEALTH AND SANITATION ADDING SECTION 96.40 – SHORT TERM RENTALS**

**See attached “PROPOSED” ORDINANCE Amending Chapter 96 – Adding section 96.40.**

**TITLE XV “LAND USE REGULATIONS” CHAPTER 153 “UNIFIED DEVELOPMENT CODE” (UDC)**

**Section 153.29 - Table 153-1 Adding to the Residential Dimensions a “MINIMUM FLOOR AREA PER SINGLE/MULTI/MOBILE HOME FAMILY DWELLING UNIT:**

R-1	R-2	R-3	MF	SF-MH	MHP	OTC - MF
1100 SF Min.	1000 SF Min.	500 SF Min.	600 SF Per Unit Min.	1000 SF Min.	1000 SF Min.	500 SF – 1 – Bedroom Min. 600 SF – 2 – Bedroom Min. 700 SF – 3 – Bedroom Min.

**OTC Minimum square footage – Would allow a maximum of 5 – 1 bedroom units allowed per building, based upon buildable square footage. 2 & 3 bedroom units are only limited to buildable square footage.**

**Up to 50 percent (minimum of 500 SF) of the first floor may be used for residential provided the front of building remains dedicated for commercial space.**

**Section 153.37 District Purpose – Non-Residential Districts (E) Old-Town Center** of the City of Rusk Unified Development Code is hereby amended as follows: *This category encompasses the historic Downtown area and Courthouse square that promotes a mixture of office, retail, institutional, civic, and certain light intensity residential uses intermixed through compatible site planning and building design consistent with the historic fabric of the area. Any mixed use occupancy that will incorporate residential areas shall first make application for site plan approval.*

**153.74 Use Allowance** and *Table 153-5 Residential Use Table and Non-residential Use Table* of the City of Rusk Unified Development Code be amended:

Table 153-5. Residential District Use Table and Non-Residential District Use

**See attached RESIDENTIAL DISTRICT USE & NON RESIDENTIAL DISTRICT USE CLASSIFICATIONS**

**INDUSTRIAL DISTRICT USE CLASSIFICATIONS WERE NOT ANTICIPATED TO CHANGE, BUT ARE PROVIDED.**

**153.74 - Use allowances.**

- (A) *Permitted uses.* Uses identified with an "Y" are permitted by right in the designated zoning districts, subject to compliance with all other applicable provisions of this chapter.
- (B) *Planned uses.* Uses identified with a "P" require site or narrative development plan approval. Development is to be consistent with the approved site or narrative development plan. If the property is undeveloped, any proposed use shall be consistent with design parameters approved with the zone change.
- (C) *Special uses.* Used identified with an "S" in the use table may be allowed in the designated zoning districts if approved in accordance with the special use approval procedures. Approved special uses are subject to compliance with all other applicable provisions of this chapter.
- (D) "Use" means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

**Permanent Cosmetics and/or Piercing salons**, as defined in "Definitions," which are an accessory and related retail land use to a use already allowed in the zoning district in which the primary use is located, shall be considered an accessory use *provided the area utilized for the permanent cosmetic application or piercing salon occupies less than 25 percent of the floor area the primary use and the business is not open between the hours of 9:00 p.m. and 8:00 a.m.*

A **piercing salon** may be considered an **accessory** and related retail land use if it is associated with one or several of the following uses:

- 1) Grooming & Hygiene Salon,
- 2) Kiosk (Service),
- 3) Large Retail (w/Gas Sales),
- 4) Tailor Shop and
- 5) Variety Stores.

**Permanent Cosmetics** may be considered an **accessory** and related retail land use if it is associated with one or several of the following uses:

- 1) Grooming & Hygiene Salon,
- 2) Funeral Home,
- 3) Outpatient Care Clinic/Center,
- 4) Medical and Dental Offices, and
- 5) Hospital.

- (E) *Temporary uses.* Uses identified with a "T" in the use table are uses that require a temporary use permit with accordance with temporary uses procedures.
- (F) *Prohibited uses.* Uses that have no letter in the use table are expressly prohibited.

**153.82 Special Uses** be amended by:

Adding Subsection R that will allow Short Term Rentals by Special Use.

Amending Short Term Uses by adding **as allowed by Table 153-5** to some of the allowed special uses.

**153.216 General Land Use Definitions** be amended by:

**See attached 153.216 General Land Use Definitions – Bolded definitions are being amended/added.**

Residential District Use Table

Use Group	AG	R-1	R-2	R-3	MF	SF-MH	MHP
Assisted Living/Retirement Center					Y		
Condominium				Y	Y		
Crisis Center (6 or fewer)	S	S	S	S	S		
Duplex/Triplex/4-plex				Y	Y		
Garage Apartment	Y	Y	Y	Y	Y		
Halfway House					S		
<b>Short Term Rental</b>							
Mobile Home Park							Y (with license)
Modular Home	Y	Y	Y	Y		Y	
Mother-in-law quarters	S	S	S	S			
Multi-Family (Apartment)					Y		
Nursing Home/Rehabilitation					Y		
Rescue Mission/Home					S		
Single-Family Attached				Y	Y		
Single-Family Detached	Y	Y	Y	Y		Y	
Townhouse/Rowhouse				Y			
Cultural Facilities and Libraries	S	S	S	S	Y		
Day Care Center (Child or Adult)					Y		S
Parks and Open Space	Y	Y	Y	Y	Y	Y	Y
Animal Park	Y						
Zoo	S						
Post Office	Y	Y	Y	Y	Y	Y	Y
Public Safety (Police/Fire)	Y	Y	Y	Y	Y	Y	Y
Major Utilities	Y	S	S	S	S	S	S
Minor Utilities	Y	Y	Y	Y	Y	Y	Y
Church, Temple, Synagogue, Mosque, (Church Activity/Recreational Center)	Y	Y	Y	Y	Y	Y	Y
College or University					Y		
College Dormitory (Off Campus)					Y		
College Fraternity/Sorority House					Y		
Public School (Pre-School, Kindergarten, Elementary, Junior High, High School)	Y	Y	Y	Y	Y	Y	Y
School student/activity center/field (public)	Y	S	Y	Y	Y	Y	Y
Club/Social Organization	S		S	S	S	S	S
Country Club (Private)	S		S	S	S	S	S
Rodeo Grounds	S						
Bed and Breakfast	S	S	S	S	S		
Boarding/Rooming House	S	S	S	S	S		
Campground	S				S		
Oil and Gas Exploration (Drilling Activity)	S	S	S	S	S	S	S
Oil and Gas Exploration (Producing Well)	S	S	S	S	S	S	S
Accessory Structures	Y	Y	Y	Y	Y	Y	Y
Community Center (Public or Private)	S	S	S	S	S	S	S
One Chair Barber/Beauty Shop (Residential)	S	S	S	S	S	S	S
Day Care at Home (Adults) max. 6	S	S	S	S	S	S	S
Day Care at Home (Children) max. 6	S	S	S	S	S	S	S
Home Occupation	S	S	S	S	S	S	S
Photography Studio	Y	Y	Y	Y	Y	Y	Y
Piano Lessons	Y	Y	Y	Y	Y	Y	Y
Swimming Lessons	Y	Y	Y	Y	Y	Y	Y

Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
<b>RESIDENTIAL</b>						
Assisted Living/Retirement Center		Y	Y	Y		
Condominium		Y	Y	Y	S	
Crisis Center	S	S	S	S		S
Halfway House	S	S	S	S		S
Multi-Family (Apartment)		Y	Y	Y	S	S
Nursing Home/Rehabilitation		Y	Y	Y		
Rescue Mission/Home		S	S	S		S
Single-Family Attached			S	S		
Single-Family Detached	Y			Y		Y
Townhouse/Rowhouse				S		S
Two-Family Duplex /Three-Family Triplex				S		S
<b>PUBLIC/CIVIC</b>						
Cultural Facilities and Libraries	S	Y	Y	Y	S	Y
Day Care Center (Child or Adult)		Y	Y	Y		S
Parks and Open Space	Y	Y	Y	Y	Y	Y
Amphitheater	Y	Y	Y	Y	Y	
Animal Park	Y		S	S		
Zoo	S		S	S		
Post Office	Y	Y	Y	Y	Y	Y
Public Safety (Police/Fire)	Y	Y	Y	Y	Y	Y
Major Utilities	Y	S	S	S	S	Y
Minor Utilities	Y	Y	Y	Y	Y	Y
Church, Temple, Synagogue, Mosque, Church Activity/Recreational Center	Y	Y	Y	Y	Y	Y
College or University			Y	Y	S	Y
College Dormitory (Off Campus)						
College Fraternity/Sorority House						
Public School (Pre-School, K-12)	Y	Y	Y	Y	Y	Y
School activity center/field (public)	Y	Y	Y	Y	Y	Y
<b>COMMERCIAL</b>						
<b>Agriculture</b>						
Stables	Y					
Cattle Pens	Y					Y
Dairy Farm	Y					
Farm/Crop Production	Y					
Feed Lot	Y					
Fishing Pond	Y			S		Y
Orchard	Y					Y
Grain Storage Elevator	Y					Y
Greenhouse/Plant Nursery	Y		Y	S		Y
Livestock/Auction Facility	Y					
Tree Farm	Y					Y
<b>Animal Services</b>						
Kennel (Commercial)	Y		Y	S		Y
Pet Grooming (No overnight stay)	Y	Y	Y	Y	Y	Y
Pet Shop (No outdoor pens)	Y	Y	Y	Y	Y	Y
Pet Shop (Outdoor pens)	Y		Y	S		Y
Veterinary Clinic (No outdoor pens)	Y	Y	Y	Y	Y	Y
Veterinary Clinic (Outdoor pens)	Y		Y			Y

Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
<b>Banks and Financial Services</b>						
Automatic Teller Machine (ATM)	Y	Y	Y	Y	Y	Y
Bank		Y	Y	Y	Y	Y
Credit Union/Bureau		Y	Y	Y	Y	Y
Pawn Shop		Y	Y	Y		Y
Bail Bonds		Y	Y	Y		Y
<b>Construction Sales and Service</b>						
Building Material/Home Supply Store (No Outdoor Storage)		Y	Y	Y	Y	Y
Building Material/Home Supply Store (Outdoor Storage)		Y	Y			Y
Cabinet/Woodwork shop (Repair only)		Y	Y	Y	S	Y
Contractor's Shop/Storage yard			S	S		Y
Electrical, Plumbing, A/C, Heat (Wholesale)			S	S		Y
Lumber/Building Materials Sales Yard			S	S		Y
<b>Eating and Drinking Establishments</b>						
Bakery (Retail)		Y	Y	Y	Y	Y
Café, Coffee Shop, Tea Room		Y	Y	Y	Y	Y
Delicatessen		Y	Y	Y	Y	Y
Donut Shop		Y	Y	Y	Y	Y
Food Vendors (Mobile)			T	T	T	T
Ice Cream Parlor		Y	Y	Y	Y	Y
Restaurant		Y	Y	Y	Y	Y
<b>Entertainment (Indoor)</b>						
Club/Social Organization		S	Y	Y	Y	Y
Concert Facility		S	Y	Y	S	Y
Dance Hall, Nightclub, Disco, Bar			Y	S	Y	Y
Theater, Playhouse		S	Y	Y	Y	Y
Theater-Cinema	S	S	Y	Y	Y	Y
<b>Entertainment (Outdoor)</b>						
Amphitheater	Y	S	Y	Y	S	Y
Circus/Carnivals		T	T	T	T	T
Country Club	Y		Y	Y		S
Racetrack (Horse/Dog)	S					S
Racetrack (Motorized)	S					S
Recreational Field	S	Y	Y	Y	S	Y
Rodeo Grounds	S					S
Theater, Drive-in	S		Y	Y	T	Y
<b>Funeral and Internment</b>						
Cemetery, Mausoleum	State Law: No new cemeteries within city limits. Existing cemeteries may be expanded.					
Columbarium	S	S	S	S	S	S
Monument Sales Lot			Y	Y		Y
Mortuary/Funeral Home/Crematory		Y	Y	Y	Y	Y
<b>Lodging</b>						
Bed and Breakfast	S	Y	Y	S	S	
Cabins, Rental	S		S	S		Y
Extended Stay Hotel			Y	S		Y
Hotel, Motel, Resort		S	Y	Y		Y
RV Park			S	S		Y
<b>Short Term Rental</b>						

Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
<b>Medical, Dental, Optical</b>						
Dentist Office		Y	Y	Y	Y	Y
Pharmacy (Apothecary)		Y	Y	Y	Y	Y
Physician's Office		Y	Y	Y	Y	Y
Psychologist Office		Y	Y	Y	Y	Y
Optometrist Office		Y	Y	Y	Y	Y
Laboratory, Medical		Y	Y	Y	Y	Y
<b>Office</b>						
Abstract Office		Y	Y	Y	Y	Y
Accounting Office		Y	Y	Y	Y	Y
Advertising/Public Relations Agency		Y	Y	Y	Y	Y
Architect's, Engineer's, Planner's Office		Y	Y	Y	Y	Y
Attorney's Office		Y	Y	Y	Y	Y
Collection Agency		Y	Y	Y	Y	Y
Data Processing Service		Y	Y	Y	Y	Y
Employment Agency		Y	Y	Y	Y	Y
Geologist/Oil and Gas Office		Y	Y	Y	Y	Y
Insurance Office		Y	Y	Y	Y	Y
Research Laboratory		Y	Y	Y	Y	Y
Answering Service Office		Y	Y	Y	Y	Y
Business serv (copy, fax, internet)		Y	Y	Y	Y	Y
Print Shop		Y	Y	Y	Y	Y
Protection Service Office		Y	Y	Y	Y	Y
Stocks and Bonds Brokerage Office		Y	Y	Y	Y	Y
Studio (Broadcasting/Recording)		Y	Y	Y	Y	Y
Tax Consultant/Financial Office		Y	Y	Y	Y	Y
Utility Company Office		Y	Y	Y	Y	Y
Office Park		Y	Y	Y	Y	Y
Parking Garage/Lot (Commercial)		Y	Y	Y	Y	Y
<b>Personal &amp; Consumer Service</b>						
Alcohol Retail Sales/Package Store			Y	S	S	Y
Business, Professional School		Y	Y	Y	Y	Y
Catering Service		Y	Y	Y	Y	Y
Cleaning/Laundry (Pick-up/Drop-off)		Y	Y	Y	Y	Y
Cleaning/Laundry (On-site)			Y	Y		Y
Community Health/Welfare Center		Y	Y	Y	S	Y
Day Spa		Y	Y	Y	Y	Y
Framing Shop		Y	Y	Y	Y	Y
Gas Station/Convenience store			Y	Y	S	Y
Hair Salon		Y	Y	Y	Y	Y
Permanent Cosmetics		Y	Y	Y	Y	Y
Art, Ceramic, Craft Workshop		Y	Y	Y	Y	Y
Laundry (Self Service)			Y	Y		Y
Massage Therapist		Y	Y	Y	Y	Y
Optical/Eyewear Store		Y	Y	Y	Y	Y
Palm Reader						Y
Photography Studio		Y	Y	Y	Y	Y
Art Studio, Instructional or Gallery		Y	Y	Y	Y	Y
Tailor/Seamstress Shop		Y	Y	Y	Y	Y
Tanning Salon		Y	Y	Y	Y	Y
Tattoo Studio/Body Piercing		Y	Y			Y

Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
Travel Agency		Y	Y	Y	Y	Y
Retail Sales and Services						
Antique Mall, Multiple Dealers		Y	Y	Y	Y	Y
Antique Shop		Y	Y	Y	Y	Y
Antique Shop (With Outdoor Display)		Y	Y	Y	Y	Y
Arts and Crafts Supply Store		Y	Y	Y	Y	Y
Auto Supply (Without Installation)			Y	Y		Y
Bicycle Shop		Y	Y	Y	Y	Y
Book Store		Y	Y	Y	Y	Y
Camera, Photography Store		Y	Y	Y	Y	Y
Cleaning Plant (Commercial)			Y	S		Y
Clothing/Apparel (Custom Made)		Y	Y	Y	Y	Y
Clothing/Apparel Store			Y	Y	Y	Y
Confectionery Shop (Retail)		Y	Y	Y	Y	Y
Department Store			Y	Y	Y	Y
Discount Store			Y	Y	Y	Y
Drug Store		Y	Y	Y	Y	Y
Feed/Seed Store			Y	Y	Y	Y
Flea Market (Indoor Only)			Y	Y	Y	Y
Flea Market (Outdoor Display/Sales)			Y	Y	S	Y
Florist		Y	Y	Y	Y	Y
Food, Grocery Store			Y	Y	Y	Y
Fruit-Vegetable/Produce Market		Y	Y	Y	Y	Y
Fruit-Vegetable Stand		Y	Y	Y	Y	Y
Furniture/Appliance (Sales and Service)			Y	Y	Y	Y
Gift Shop		Y	Y	Y	Y	Y
Hardware Store			Y	Y	Y	Y
Jewelry (Custom Made)		Y	Y	Y	Y	Y
Jewelry Store		Y	Y	Y	Y	Y
Key/Locksmith Shop		Y	Y	Y	Y	Y
Lawn and Garden			Y	Y	Y	Y
Lawn/Garden (Outdoor Display/Sales)			Y	Y	Y	Y
Lawn/Garden Equip Sales/Service			Y	Y	S	Y
Meat/Seafood Market (No processing)		Y	Y	Y	Y	Y
Medical Appliance Store		Y	Y	Y	Y	Y
Music Store		Y	Y	Y	Y	Y
Outdoor Display			Y	Y	Y	Y
Outdoor Storage			Y	Y		Y
Second Hand Store		Y	Y	Y	Y	Y
Sewing Machine Sales and Service		Y	Y	Y	Y	Y
Shoe Repair Shop		Y	Y	Y	Y	Y
Shoe Store		Y	Y	Y	Y	Y
Shoes, Boots, Purses (Custom Made)		Y	Y	Y	Y	Y
Skateboard & Bicycle sales		Y	Y	Y	Y	Y
Swimming Pool Sales/Supplies			Y	Y		Y
Taxidermy Shop	Y	Y	Y	Y	Y	Y
Tobacco Store		Y	Y	Y	Y	Y
Video Store		Y	Y	Y	Y	Y
Self-Service Storage Facility			Y			Y
Sexually Oriented Business						Y



Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
<b>SPORTS &amp; RECREATION-INDOOR</b>						
Archery Range			Y	Y		Y
Bingo Parlor			Y	Y	S	Y
Bowling Alley		Y	Y	Y		Y
Commercial Amusement Center		Y	Y	Y	Y	Y
Commercial Recreation Center		S	Y	Y	S	Y
Firearms Range (Indoor)	S	S	Y	S		Y
Pool Hall, Game Room (See Ch. 111-CO)			Y	Y	Y	Y
Private Recreational Club			S	S		S
Skating Rink		S	Y	Y		Y
<b>SPORTS &amp; RECREATION-OUTDOOR</b>						
Archery Range	S		S			S
Commercial Amusement Park	S		Y	Y		Y
Commercial Recreation Center			Y	Y	Y	Y
Day Camp	Y		S	Y		Y
Fish Pond (Commercial)	Y					
Go-Cart Track	S	S	S	S		Y
Golf Course, Mini Golf & Driving Rng	S	S	S	S		Y
Marina/Boat Dock			S	S		Y
Riding Stable/Club	S		S	S		Y
Rodeo Grounds	S					S
Skateboard Park	Y		Y	Y		Y
Skeet/Trap Range	S					S
Telecom/Broadcast Towers/Bldgs	S	S	S	S	S	S
<b>VEHICLE AND EQUIPMENT SALES, RENTAL AND REPAIR</b>						
Automobile Dealership		Y	Y	Y		Y
Motorcycle Dealership		Y	Y	Y		Y
Auto Detail Shop		Y	Y	Y		Y
Auto Glass, Muffler, Upholstery, Hedlnr			Y	Y		Y
Auto Rental Agency			Y	Y	S	Y
Auto/Truck Equipment Auction Facility			Y	Y		Y
Battery Service Shop			Y	Y		Y
Car Wash			Y	Y		Y
Tire Sales and Service			Y	Y		Y
Tire Sales/Srvc with Outdoor Disp			Y	Y		Y
Auto and Motorcycle Service Garage			Y	Y		Y
Auto Repair Services, Major			Y			Y
Auto Repair Services, Minor			Y	Y		Y
Auto Supply (With Install)			Y	Y		Y
Auto/Truck Paint and Body Shop			Y	Y		Y
Vehicle Towing Service			Y	Y		Y
<b>SALES/RENTAL</b>						
Boat Dealership			Y	Y		Y
Heavy Equip/Machinery Rental Yard			Y	Y		Y
Heavy Mchnry Dealer (Sales/Service)			Y	Y		Y
Manufactured Housing Sales Lot						Y
R. V. Dealership			Y	Y		Y
Truck Stop (Fuel, Service)			Y	Y		Y
Truck/Heavy Equipment Rental Facility						Y
Truck/Tractor (Sales, Rental & Srvc)			Y	Y		Y

Industrial District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
<b>Industrial</b>						
Limited						Y
Electronic/Electrical Equipment Mfg.						Y
Food Manufacturing/Processing Plant						Y
Furniture/Fixtures Manufacturing Plant						Y
Lithographic Shop/Commercial Printer			Y			Y
Meat/Fish Packing Plant						Y
Milk Distribution Station			Y			Y
Newspaper Printing Plant			Y			Y
Poultry Processing Plant						Y
Printing/Publishing Plant			Y			Y
Sheet Metal Fabrication Shop						Y
Sign Contractor's Shop/Yard						Y
Acid Manufacturing Plant						Y
Auto/Truck Assembly Plant						Y
Boat Manufacturing Plant						Y
Chemicals/Allied Products Mfg. Plant						Y
Fabricate Metal/Welding						Y
Fertilizer Plant						Y
Grain/Feed Processing Plant						Y
Foundry/Metals Manufacturing Plant						Y
Home Appliance Manufacturing Plant						Y
Industrial/Commercial Equipment Mfg.						Y
Motor Freight Terminal						Y
Pulp-Paper Mill						Y
Railroad Depot				S		Y
Railroad Freight Terminal				S		Y
Sand, Gravel, Stone, Earth, Mineral Extraction				S		S
Sand, Gravel, Stone, Earth, Mineral Sales				Y		Y

Industrial District Use Table

Textile Mill						Y
Tire Retreading/Vulcanizing Plant						Y
Wood Products Mfg. Plant (10+ Employees)			S	S		Y
Oil and Gas Exploration (Drilling Activity)	S	S	S	S	S	S
Oil and Gas Exploration (Producing Well)	S	S	S	S	S	S
Oil and Gas Field Equipment Sales/Rental						Y
Oil and Gas Treatment/Processing Plant						Y
Petroleum Refinery						Y
Petroleum Tank Farm						Y
<b>Research Laboratory</b>						
Laboratory Mfg.						Y
<b>Warehousing and Wholesaling</b>						
Frozen Food Locker Plant						Y
Hauling and Storage Facility						Y
Warehouse and Distribution Center						Y
<b>Waste and Disposal</b>						
Junk/Salvage Yard						Y
Sanitary Landfill						Y
<b>Recycling Facilities</b>						
Building Materials Salvage Yard						Y
Industrial Recycling Plant						Y
Recycling Center/Collection (Cans, Glass, Paper)		S	Y	S		Y
Recycling Center (Hazardous Material)						Y

### 153.82 Special Uses

The City Council may, after public hearing and proper notice to all parties affected, and, after recommendation from the Planning and Zoning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following:

- A. Any use of a public building to be erected or used by the city, county, state or federal government in any district.
- B. Dwelling units in L-1.
- C. Day nurseries keeping more than four children in any residential district, **as allowed by Table 153-5.**
- D. Dog kennels and veterinarian hospitals in the commercial district or on sites of five acres or more in any district, **as allowed by Table 153-5.**
- E. In any district, **as allowed by Table 153-5**, a commercial or recreational establishment or development primarily for entertainment which shall include, but not be limited to:
  - 1. Miniature golf course.
  - 2. Driving range.
  - 3. Sports arena.
  - 4. Bowling alley.
  - 5. Drive-in theater.
  - 6. Roller skating rink.
  - 7. Ice skating rink.
  - 8. Movie theater/cinema.
  - 9. Outdoor or indoor stage for theatrical or musical productions.
  - 10. Tennis courts.
  - 11. Baseball batting cages.
  - 12. Basketball practice courts.
  - 13. Rodeo grounds.
  - 14. Race car tracks.
  - 15. Off-the-road vehicle, go-cart tracks.

This shall not apply to a facility operated by a governmental entity or a privately owned noncommercial facility.

- F. Riding academy or public stable on sites of five acres or more in any district, **as allowed by Table 153-5.**
- G. Radio broadcasting towers and stations, television towers and television transmitting stations in any district, **as allowed by Table 153-5.**
- H. Any installation of a public utility either privately or publicly owned in any district, **as allowed by Table 153-5.**
- I. Gas and electrical public utility regulating stations in any district, **as allowed by Table 153-5.**
- J. Hospitals, children's homes, convalescent homes, old people's homes, maternity homes in an apartment district where a site of five acres or more is provided.
- K. Homes for the insane, alcoholic, feeble-minded and narcotic addicts in a commercial district or in any district, **as allowed by Table 153-5**, where a site of twenty (20) acres or more is provided.
- L. Lodges, boardinghouses, rooming houses in an apartment district.
- M. Private clubs and community buildings in an apartment or less restricted district or on a site of three acres or more in any district, **as allowed by Table 153-5.**
- N. Drive-in theaters in a local retail district or on sites of ten acres or more in any district, **as allowed by Table 153-5.**
- O. Commercial greenhouses and nurseries in any district, **as allowed by Table 153-5.**
- P. Trailer parks in a commercial district or on sites of 20 acres or more in any district, **as allowed by Table 153-5.**
- Q. Rock quarries, sand, gravel, earth excavations and drilling and extraction of underground mineral resources in industrial districts.
- R. **Short term rentals in any district, as allowed by Table 153-5**
- S. Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the Building Official for the use of the buildings on such property pursuant to the special use permit; and such conditions shall not be construed as conditions precedent to the granting of a special use permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy. The following are examples of regulating measures which may be included in the requirements for a special use permit:
  - 1. Parking stipulated as part of recommendation;
  - 2. Site plan required in all applications;
  - 3. Approval of means of ingress and egress;
  - 4. Approval of building size and location;

5. Control of outside lighting and screening;
6. Special setbacks and/or building lines;
7. Surfacing of parking areas and drives;
8. Installation of curbs and drainage structures;
9. Approval of use permitted.

## DIVISION 153-VIII-A GENERAL DEFINITIONS

### 153.216 General Land Use Definitions

Certain words in this section are defined for the purpose hereof as follows:

Words in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular; the word "building" includes the word "structure," the word "lot" includes the word "plot"; the word "shall" is mandatory and directive.

*Accessory Structure.* A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

*Accessory Use.* A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

*Adaptive Reuse.* The development of a new use for an older building or for a building originally designed for a special or specific purpose.

*Addition.* A structure added to the original structure at some time after the completion of the original; an extension or increase in floor area or height of a building or structure.

*Aerial Map.* A map created from a process involving the taking of photographs from the air with predetermined reference points marked on the ground.

*Aesthetic.* The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

*Agricultural Zoning.* Regulations that protect agricultural land base by limiting nonagricultural uses, prohibiting high-density development, requiring houses to be clustered on small lots, and restricting subdivision of land into parcels that are too small to farm.

*Alley.* A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

*Amortization.* A method of eliminating non-conforming uses by requiring the termination of non-conforming use after a specified period of time.

*Amusement Park.* A facility, primarily outdoors, that may include structures and building where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, as well as buildings for shows, entertainment, restaurants, and souvenir sales.

*Animal Kennel.* Any structure or premises, in which animals are boarded, groomed, bred, or trained for commercial gain.

*Animal Shelter.* A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare

society, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

*Annexation.* The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

*Antenna.* A device used to transmit and/or received radio or electromagnetic waves between terrestrially and/or orbitally based structures. See satellite dish antenna; wireless telecommunications towers and facilities.

Apartment. A room or suite of rooms in an apartment house arranged, designed or occupied as the residence by a single family, individual or group of individuals.

*Apartment Hotel.* Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other.

*Apartment House.* Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

*Applicant.* A person submitting an application for development.

*Appraisal.* An estimate or opinion of the value of real or personal property or an interest or estate in that property as determined by a qualified appraiser.

*Archery Range.* An outdoor facility, which may include buildings or structures, used for target practice with bows and arrows.

*Architectural Control.* Public regulations of the exterior design of private buildings to preserve, enhance, or develop the character of that particular area.

*Architectural Features.* A prominent or significant part or element of a building, structure, or site.

*Architectural style.* The characteristics form and detail of buildings or a particular historic period.

*Area of Lot.* The net area of the lot but not including portions of streets and alleys.

*Artist Studio.* A place of work for an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

*Assessed Valuation.* The value at which property is appraised for tax purposes.

*Assisted Living Facility.* Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.



*Attention-getting Device.* A device designed or intended to attract by noise; sudden, intermittent, or rhythmic movement; or physical change or lighting change, such as banners, flags, streamers, balloons, propellers, whirligigs, searchlights, and flashing lights.

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

*Automated Teller Machine.* An automated device that performs banking financial functions at a location that may be separate from the controlling financial institution.

*Automatic Car Wash.* A structure containing facilities for washing automobiles or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

*Automobile Repair Service, Major.* General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and major painting service.

*Automobile Repair Service, Minor.* The replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential but may include incidental body and fender work, minor painting, and upholstering service.

*Automobile Sales.* The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, or recreational vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

*Base Map.* A map having sufficient points of reference, such as state, county, or municipal boundary lines, streets, easements, and other selected physical features, to allow the plotting of other data.

*Basement.* That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

*Bed and Breakfast.* Tourist or guest lodging services within the rooms of a structure designed and built as a single-family residential dwelling that acts as the property owner's principal residence and that offers sleeping accommodations in not more than eight (8) rental units for not more than fourteen (14) consecutive nights to transient guests for compensation and where breakfast may be the only meal served.

*Berm.* A mound of earth or the act of pushing earth into a mound.

*Bike Lane.* A corridor expressly reserved for bicycles, located on a street or roadway in addition to any lanes for use by motorized vehicles.

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

*Board of Adjustment.* An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict interpretation of the zoning ordinance.

*Boardinghouse.* A building other than a hotel, where lodging and means for five or more persons are served for compensation.

*Breezeway.* A covered passage one story in height connecting a main structure and an accessory building.

*Buffer Strip.* Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

*Building.* Any structure or building for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

*Building, end of.* Those sides of the building having the least dimensions and in which doors or openings are not customarily provided for ingress and egress.

*Building Line.* A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

*Building Height.* The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

*Building Official.* The individual designated by the appointing authority to enforce the provisions of the building code.

*Building Permit.* Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

*Business.* Includes retail, commercial and manufacturing uses, and districts as defined in this section.

*Caliper.* The diameter of a tree trunk.

*Campground.* A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

*Campus.* The grounds and buildings of a public or private college, university, school, or institution.

*Capital Improvements Program.* A timetable or schedule of all future capital improvements to be carried out during a specific period, listed in order of priority, together with cost estimates and the anticipated means and sources of financing each project.

*Car wash.* Any building or premise used for washing motor vehicles.

*Carport.* A roofed structure providing space for the parking of motor vehicles.

*Cellar.* That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

*Cemetery.* Property used for the interment of the dead.

*Census.* An official periodic enumeration of a designated geographic area's population, housing, and related characteristics.

*Census Tract.* Small areas into which large cities and adjacent areas have been divided for statistical purposes.

*Certificate of Appropriateness.* A certificate issued by the approving authority on approval of the exterior architectural features of any new building construction or alterations to an existing building located within a historic zone.

*Certificate of Occupancy (CO).* A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable requirements.

*Change of Use.* Any use that substantially differs from the previous use of a building or land.

*Child-care Center.* An establishment providing for the care, supervision, and protection of children.

*Clinic, Medical.* An institution or station for the examination and treatment of ill and afflicted outpatients.

*Club.* A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

*College.* An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

*Commercial Use.* Activity involving the sale of goods or services carried out for profit.

*Community Center.* A facility used for recreational, social, educational, and cultural activities.

***Community Health/Welfare Center - community-based and patient-directed organizations that serve populations with limited access to health care.***

*Complete Application.* An application for development completed as specified by ordinance and the rules and regulations of the approving authority and the provisions of all required documents.

*Condominium.* A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

*Contour Line.* A line on a map that connects all points of the same ground elevation. Convalescent home shall mean any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

*Convalescent Center.* A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization.

*Council of Governments (COG).* A regional planning and review authority whose membership includes representation from all communities in the designated region.

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

***Crisis Center - a facility, telephone answering system, etc., where individuals going through personal crises can obtain help or advice.***

*Customary Home Occupation.* An occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment without the employment of additional persons, without the use of a sign to advertise the occupation and which does not cause the generation of additional traffic in the street.

*Day-care Center, Adult.* A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-hour day.

*Day Nursery.* A place where children are left for care between the hours of 7:00 a.m. and 12:00 midnight.

*Demography.* The study of population and its characteristics.

*Demolition Permit.* Official authorization to remove part, or all, of a building or structure.

*Density.* The number of families, individuals, dwelling units, households, or housing structures per unit of land.

*Design Standards.* A set of guidelines defining parameters to be followed in site and/or building design and development.

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

*Depth of Rear Yard.* The horizontal distance between the rear line of a building other than an accessory building and the rear lot line.

*District.* A section of the city for which the regulations governing the area, height or use of the building are uniform.

*Dwelling, One-Family.* A detached building having accommodations for and occupied by not more than one family, or by one family and not more than four boarders or lodgers.

*Dwelling, Two-Family.* A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four boarders or lodgers, two boarders or lodgers to each unit.

*Dwelling Unit.* A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters.

*Efficiency Apartment.* An apartment having a combination living and bedroom with no separate bedroom.

*Egress.* An exit.

*Enlargement.* An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

*Escrow.* A deed, bond, cash, or other security delivered to a third person or agency and delivered by the third person or agency and delivered by the third person to the grantee only upon fulfillment of a condition.

*Existing Use.* The use of a lot or structure at the time of the enactment of a zoning ordinance.

*Facade.* The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

*Family.* A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit, in which not more than four individuals are unrelated by blood. For purposes of this chapter "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

*Farm.* An area of two acres or more, which is used for the growing of the usual farm products such as vegetables, fruit trees and grain and their storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine including dairy farms with the necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

*Front Yard.* An open unoccupied space on a lot facing a street and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps or eave overhang.

*Grade.* For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the center of all walls adjoining the street; for buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be

considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk level or its equivalent for the purpose of these regulations.

*Gross Height (of a building or portion of a building).* Shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or, if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded; chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

*Historic Area.* A district, zone, or area designed by a local, state, or federal authority within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

*Hobby Shop.* An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale or advertised for sale, nor may any sign be used in connection therewith.

*Home Occupation.* Any occupation that is customarily performed at home that does not involve a structural change in the building, require the employment of help, the installation of equipment or the display of a sign, and shall not include beauty culture schools, beauty parlors or doctor's offices for treatment of patients.

*Home Workshop.* See "Hobby shop."

*Homeless Shelter.* A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

*Homeowners Association.* A community association, other than a condominium association, that is organized in a development which individual owners share common interest and responsibilities for costs and upkeep of common open space or facilities.

*Hospital.* An institution or place where sick or injured inpatients are given medical or surgical care either at public (charity) or private expense.

*Hotel and Motel.* A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singly for hire, in which there are no provisions for cooking in individual rooms or apartments.

*Housing Project.* An area of three or more acres arranged according to a site plan to be submitted to and to be approved by the city planning and zoning board and the City Council on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the

arrangement of access streets and alleys, and the entire area is to be zoned as an apartment zone upon the recommendation of the city planning and zoning board and the action of the City Council, and in which it shall not be necessary to subdivide the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers and storm sewer inlets shall be provided as required by the city and built-in accordance with city specifications.

*Infill.* The development of new housing or other uses on scattered vacant sites in a built-up area.

*Ingress.* Access or entry.

*Junkyard.* Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

*Kennel.* An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

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

*Land Use Plan.* A basic element of the community master plan containing proposals for the physical, economic, and social development of the community.

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

*Lot Lines.* A line of record bounding a lot that divides one lot from another lot or from a public or private street from any other public space.

*Lot of Record.* A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk.

*Lot Width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

*Master Plan.* A comprehensive, long-range plan intended to guide the growth and development of a community or region for a set period of time and which typically includes inventory and analytic sections leading to recommendations for the community's land use, future economic development, housing, recreation and open space, transportation, community facilities, and community design, all related to the community's goals and objectives for these elements.

*Mixed Use Development.* The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact urban form.

*Moratorium.* The legally authorized delay of new construction or development.

*Nonconforming Uses.* A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

*Official Map.* An ordinance in map form adopted by the governing body that conclusively shows the location and width of existing and proposed streets, public facilities, public areas, and drainage rights-of-way.

*One-Family Dwelling.* A detached building having accommodations for and occupied by one family, or by one family and not more than four boarders or lodgers.

*Open Space.* Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

*Parking, Shared.* Joint utilization of a parking area for more than one use.

*Parking Space.* A space for the parking of a motor vehicle within a public or private parking area.

*Pedestrian Scale.* The proportional relationship between an individual and his or her environment.

*Permitted Uses.* Uses identified with a "P" require site or narrative development plan approval. Development is to be consistent with the approved site or narrative development plan. If the property is undeveloped, and proposed use shall be consistent with design parameters approved with the zone change.

*Planned Development.* An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

*Private Garage.* An accessory building or portion thereof in which not more than five privately owned motor-driven vehicles are stored by occupants of the premises, not more than one of which may be a truck of not to exceed one or one and one-half tons capacity.

*Private Stable.* A stable with a capacity for not more than four horses or mules.

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

*Public Meeting.* A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

*Rear Yard.* The required rear yard is an open space unoccupied and unobstructed to a depth of 20% of the depth of the lot. Accessory buildings may occupy not to exceed 50% of the area of the required rear yard, except that in an apartment district where access to accessory buildings is from a public alley, more than 50% of the required rear yard may be covered by such buildings, provided that the minimum distance



between the rear of the main building and the accessory building equals at least 20% of the depth of the lot.

*Right-of-Way (ROW).* A strip of land required by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

Setback. The distance between the building and any lot line.

*Servants' Quarters.* An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

*Shopping Center.* An area consisting of three acres or more arranged according to a site plan to be submitted to and to be approved by the Planning and Zoning Commission and the City Council, on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of the various buildings, parking area, streets, and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking area, alley and sidewalks be in accordance with the city specifications for each type of improvement.

***Short Term Rental - A privately owned dwelling , including but not limited to, a single -family dwelling , multifamily attached dwelling, apartment house, condominium , duplex, manufactured home, or any portion of such dwellings, rented by the public for consideration and used for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days .The following are exempt from the regulations under this Chapter : hotel , motel , dormitory , public or private club , recreational vehicle park , hospital and medical clinic , nursing home or convalescent home , foster home , halfway house , transitional housing facility , any housing operated or used exclusively for educational purposes , and any housing owned by a governmental agency and used to house its employees or for governmental purposes.***

*Side Yard.* An open, unoccupied space on the same lot with a building situated between the building and sideline of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a sideline.

*Special Uses.* Used identified with an "S" in the use table may be allowed in the designated zoning districts if approved in accordance with the special use approval procedures. Approved special uses are subject to compliance with all other applicable provisions of this chapter.

*Stack (queuing) Space.* A paved drive leading off a public street, to a point(s) where service is provided while the individual is seated in a motor vehicle, e.g., drive-thru bank teller window or carry-out food service window; or for the purpose of loading and unloading passengers from vehicles.

*Storage Garage.* A building or portion thereof used for the storage of more than five passenger motor vehicles and trucks of not more than one and one-half tons capacity.

*Story, Half.* A story having an average height of not more than eight feet, covering a floor area of not more than 75% of the area of the floor of the first story below.

Story, standard. A story having 11 feet six inches between floors.

Street. Any thoroughfare or public driveway, other than an alley, and more than 20 feet in width, which has been dedicated or deemed to the public for public use.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Structural Alteration. Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

***Tattoo Parlor, (shall include Tattoo Shops and Tattoo and Body Piercing Studios) are defined as establishments where the following procedures are performed on the human body; tattooing practices where an indelible mark or figure on the human body is made by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment, piercing the skin for the application of rings, pins and/or other objects, or any other means wherein the body is permanently marked, scarred or pierced. Facilities offering tattooing services must be licensed by the State of Texas. This definition shall not include ear piercing or minor cosmetic tattooing such as eyeliner or lip liner performed in such places as a jewelry shop, beauty shop or other similar establishment. (Also tattoo shop; tattoo parlor) A place or business where people receive permanent decorative tattoos from a tattoo artist.***

*Tourist Court.* One or more buildings designed or used as temporary living quarters for auto-manufacture transients in which individual cooking facilities may or may not be provided. If facilities are provided for individual cooking so that the units may be occupied as dwelling units, the same area, density and yard regulations as required in an apartment district shall be observed. In all cases one off-street parking space shall be provided for each room or suite of rooms in the tourist court.

*Trailer Camp or Park.* An area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families. House trailers, auto trailers or manufactured homes shall not be considered as dwellings, structures or buildings.

*Two-Family Dwelling.* A detached building having separate accommodations for occupancy by not more than two families, or by two families and not more than four boarders and lodgers.

"*Use*". Means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

*Used Car Lot.* A lot or portion thereof to be used only for the display and sale of auto-manufactured that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked auto-manufactured, or the dismantling of auto-manufactured, or the storage of auto-manufactured parts.

*Width of Side Yard.* The mean horizontal distance between a sidewall of a building and the sideline of the lot.

*Yard.* An open unoccupied space, other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RUSK, TEXAS, AMENDING CHAPTER 33 DEPARTMENTS, BOARDS, AND COMMISSIONS SPECIFICALLY SECTION 33.36; CHAPTER 96 HEALTH AND SANITATION ADDING SECTION 96.40 – SHORT TERM RENTALS ESTABLISHING REGULATIONS AND A PERMITTING REQUIREMENT FOR OPERATION OF A SHORT TERM RENTAL; PROVIDING AN INSPECTION PROCESS; AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; AND TITLE XV “LAND USE REGULATIONS” CHAPTER 153 “UNIFIED DEVELOPMENT CODE” (UDC) OF THE RUSK CODE OF ORDINANCES UPDATING PROVIDING MINIMUM FLOOR AREA PER SINGLE/MULTI/MOBILE HOME FAMILY DWELLING UNIT; CLARIFYING THE RELATIONSHIP OF PRIMARY USE AND ACCESSORY USE; AND UPDATING DEFINITION OF TERMS AND OTHER CLARIFICATION OF USES IN EACH ZONE BY UPDATING TABLES 153-1 AND 153-5. RESIDENTIAL DISTRICT USE TABLE; AND CONTAINING A SEVERABILITY CLAUSE**

**WHEREAS**, the City of Rusk is a home rule municipality located in Cherokee County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS**, the City Council of the City of Rusk, Texas (the “City Council”) is empowered under Local Government Code 54. 001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

**WHEREAS**, Section 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, the City of Rusk has determined that regulations are needed to address regulations for Short Term Rentals; and

**WHEREAS** permanent residents desire the option to occasionally utilize their properties for home share rentals, and

**WHEREAS** the operation of Short-Term Rentals should not negatively affect property values, and

**WHEREAS**, Short Term Rentals should be required to pay Hotel/Motel Occupancy Taxes, and

**WHEREAS**, the City Council has determined that regulations are needed to protect public health, safety, morals, and general welfare.

**WHEREAS** permanent residents desire the option to occasionally utilize their properties for home share rentals, and

**WHEREAS** the operation of Short-Term Rentals should not negatively affect property values, and

**WHEREAS**, the City of Rusk has determined that clarifications and additions to the land use regulations outlined herein are necessary to protect public health, safety, morals, and general welfare.

**WHEREAS**, the City Council of the City of Rusk has determined that the hereinafter set forth requirements and regulations are reasonable and necessary for the zoning districts to which they are made to apply; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rusk and the City Council of the City of Rusk, in compliance with the laws of the State of Texas and the ordinances of the City of Rusk, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

**WHEREAS**, the City Council finds this Ordinance to be reasonable and necessary.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSK, CHEROKEE COUNTY, TEXAS:

#### **SECTION 1.**

That Chapter 33 of the Code of the City of Rusk is hereby amended herein by amending Section, 33.36, to read as follows:

#### **CHAPTER 33 DEPARTMENTS, BOARDS, AND COMMISSIONS**

Section 33.36 - City zoning is hereby amended to read as follows:

- (A) The city may provide for the zoning of property located in its incorporated limits and the City Council has adopted a Unified Development Code to provide the zoning of districts. The Zoning Ordinance shall allow for the cumulative zoning of districts as follows in subsection (C).
- (B) If and when a district is allowed into a commercial or industrial district, the most restrictive zoning requirements shall be met.

(C) Cumulative zoning of districts.

## SECTION 2.

That Chapter 96 of the Code of the City of Rusk is hereby amended herein by adding Sections, 96.40, 96.41 96.42, 96.43, 96.44, 96.45, 96.46, 96.47, 96.48, which are hereby adopted and read as follows:

### SHORT TERM RENTALS

#### **Sec. 96.40. Purpose.**

The purpose of this Chapter is to establish regulations for the use of privately owned dwellings as Short Term Rentals, to minimize the negative ancillary impact on surrounding properties, and to ensure the collection and payment of Hotel Occupancy Tax.

#### **Sec. 96.41. Definitions.**

As used in this Section, the following terms shall have the following meanings:

**City** - The City of Rusk, Texas.

**Guest** - The overnight occupants renting a Short-Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.

**Local Contact Person** - The Owner, Operator, or person designated by the Owner or the Operator, who shall be available twenty-four (24) hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-Term Rental.

**Operator** - The Owner or the Owner's authorized representative who is responsible for compliance with this Section while advertising and/or operating a Short-Term Rental.

**Owner** - The person or entity that holds legal or equitable title to the Short-Term Rental property.

**Short Term Rental** - A privately owned dwelling, including but not limited to, a single-family dwelling, multi-family attached dwelling, apartment house, condominium, duplex, manufactured home, or any portion of such dwellings, rented by the public for consideration and used for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days.

The following are exempt from the regulations under this Chapter: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

**Short Term Rental Permit** - A permit issued by the City authorizing the use of a privately

owned dwelling as a Short Term Rental.

**Short Term Rental Unit** - One or more habitable rooms forming a single habitable division within a Short-Term Rental, or an entire undivided Short-Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

**Sec. 96.42. Short Term Rental Permit required.**

It shall be unlawful for any person or entity to rent, or offer to rent, any Short Term Rental without a valid Short Term Rental Permit issued under this Section.

**Sec. 96.43. Short Term Rental Permit registration fee and application.**

- A. An applicant shall submit an application for a Short Term Rental Permit using a form and method promulgated by the City Manager or his/her designee. The application form shall require, at a minimum, the following information from applicants:
1. The name, address, email, and telephone number of the *Owner* of the Short Term Rental.
  2. The name, address, email, and telephone number of the *Operator* of the Short Term Rental.
  3. The name, address, email, and twenty-four (24) hour telephone number of the Local Contact Person.
  4. The name and address of the Short Term Rental.
  5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short Term Rental.
  6. A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental. (If no available parking exists, the applicant shall specify plans to accommodate the necessary parking.)
  7. A floorplan sketch that identifies all proposed guest areas and any means of egress from those areas. (All habitable rooms shall be provided with a minimum of two means of egress, one of which shall be sufficiently sized and lead directly to the exterior of the residence.)
  8. A general description of any food service to be offered to *Guests* of the Short Term Rental.
- B. An applicant for a Short Term Rental Permit shall pay to the City a permit fee of one hundred dollars (\$100.00).
- C. A separate Short Term Rental Permit application and permit fee must be submitted for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.

- D. Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by the City's Code Enforcement officer, to ensure compliance with the following:
  - 1. The requirements set forth in Section 96.44(A) of this Chapter; and
  - 2. The requirements set forth in Sections 96.44(B)1 through 96.44(B)3 of this Chapter.
- E. A Short Term Rental Permit issued under this Chapter shall be valid for a period of one calendar year from the date of issuance. The Short Term Rental Permit shall expire immediately upon any change in Owner of the Short Term Rental Unit.
- F. The Owner has a duty to notify the City within twenty (20) calendar days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Chapter.
- G. An application for Short Term Rental Permit may be denied if the Owner has had a Short Term Rental Permit suspended or revoked during the previous 365 calendar days or has any outstanding violations.

**Sec. 96.44. Short Term Rental operational requirements.**

- A. The Owner/Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:
  - 1. The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
  - 2. Operator name and number;
  - 3. Local Contact Person name and number;
  - 4. The location of any on-site and off-site parking spaces available for Guests;
  - 5. The overnight and daytime occupancy limits;
  - 6. Instructions to Guests concerning the disposal of garbage and handling of garbage containers;
  - 7. Notification that the Guests are responsible for compliance with all applicable laws, rules, and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Ordinance; and
  - 8. Notification that all functions such as weddings, parties, or other gatherings are prohibited at the Short-Term Rental, except Short Term Rentals located in the Commercial Zoning District.
- B. The Owner/Operator shall operate a Short-Term Rental in compliance with the following:
  - 1. Zoning regulations prescribed for the zoning district in which such Short-Term

Rental is located, as set forth in the UDC (UNIFIED DEVELOPMENT CODE) – Chapter 153 of the Code of Ordinances.

2. The City of Rusk Sign Ordinance, as applicable, as set forth in Division 153-IV-A-Sign Regulations of the Code of Ordinances.
  3. Maximum occupancy limits prescribed by the City Building Official and/or Fire Marshall, pursuant to the International Property Maintenance Code and the International Fire Code as adopted in Chapter 96 and Chapter 95, respectively of this Code of Ordinances.
  4. City of Rusk Hotel and Motel Occupancy Tax Ordinance, set forth in Chapter 36 of this Code of Ordinances.
  5. City of Rusk Noise Control Ordinance, set forth in Chapter 97 of this Code of Ordinances.
  6. City of Rusk Garbage Collection Ordinance, set forth in Chapter 50 of this Code of Ordinances.
  7. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available twenty-four (24) hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short-Term Rental. The Local Contact Person shall respond within sixty (60) minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
- C. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City.

**Sec. 96.45. Notification of complaints.**

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

**Sec. 96.46. Compliance with other laws.**

- A. The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules, and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Chapter, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.



B. Nothing in this Chapter shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Chapter shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Chapter.

**Sec. 96.47. Compliance and Penalty provision.**

- A. It shall be unlawful for any person or entity to violate any provision of this Chapter. Proof that a violation of this Chapter occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
- B. Any violation of this Chapter is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 10.99 of this Code of Ordinances.
- C. Prosecution under this Chapter shall not require the pleading or proving of any culpable mental state.
- D. Penalties provided for in this Chapter are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

**Sec. 96.48. Permit suspension or revocation: Appeal.**

- A. Upon conviction of a violation of this Chapter, the City Manager may suspend or revoke any Short-Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.
- B. An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within ten (10) business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five (5) business days following the date of the City Manager's final decision.

**SECTION 3.**

That Chapter 153 of the Code of the City of Rusk is hereby amended herein by amending Section, 153.29 and Table 153-1, to read as follows:

**153.29 Dimensional Standards**

All developments in residential districts must comply with Table 153-1 Dimensional Standards in Residential Districts.

Table 153-1. Dimensional Standards-Residential Districts

Residential Districts	AG	R-1	R-2	R-3	MF	PD	SF-MH	MPH Manufactured Home Park		OTC-MF*
Minimum lot area (sq. ft.)	2 Acres	8,000	5,000	None	b.	5,000				
Minimum lot area per unit (sq. ft.)	2 Acres	8,000	6,000	5,000	None	b.	5,000	4,000	1,500	
Minimum street frontage (linear ft.)	100	35	35	20	No minimu m	b.	35	40	25	
Minimum Floor Area per Single/Multi/Mobile Home Family Dwelling Unit (sq. ft.)		1100 SF min.	1000 SF Min.	500 SF Min.	600 SF Per Unit Min.		1000 SF Min.	1000 SF Min.	1000 SF Min.	500 SF – 1 – Bedroom Min.  600 SF – 2 – Bedroom Min.  700 SF – 3 – Bedroom Min.
<b>Setbacks</b>										
Front	30	20	20	20(c)	25	b.	20	25	25	
Rear	20	15	15	15	15	b.	20	25	25	
Side interior	10	10	7.5	5	10	b.	5	15	15	
Side corner	15	15	10	10	15	b.	10	25	25	
Maximum lot coverage (%)	0.5	0.5	0.5	0.6	0.6	b.		N/A	N/A	
Maximum height (stories)	2.5	2.5	2.5	2.5	3	b.				
Recreation area						b.		a.	a.	

a. For 25 or more manufactured homes there shall be one or more recreation areas, based upon a minimum of 100 square feet for each lot and area not less than 2,500 square feet.

b. Submitted by the developer and subject to approval by the Planning and Zoning Commission and City Council.

c. When rear entry garages are planned, the Front setback shall be allowed at 15 feet.

\* OTC Minimum square footage – Would allow a maximum of 5 – 1 bedroom units allowed per building, based upon buildable square footage. 2 & 3 bedroom units are only limited to buildable square footage.

#### SECTION 4.

That Chapter 153 of the Code of the City of Rusk is hereby amended herein by amending Section, 153.37, to read as follows:

##### **Section 153.37 District Purpose – Non-Residential Districts**

- A. *B-1 Local Business District.* This district is primarily intended to accommodate a wide variety of professional offices intermixed with neighborhood-serving retail sales or service uses. Provide for retail and service uses which serve surrounding residential and business activities. Local Business District serves local residents/employees rather than regional patrons.
- B. *B-2 General Business District.* This district is primarily intended as a catch-all district to include retail, office, and entertainment and service uses at medium densities. General commercial serves regional as well as local patrons. This category includes a broad variety of office, big box retail and general business service uses whether located in centers or in standalone buildings. Uses are generally larger in scale and are more automobile-oriented in nature.
- C. *PMXU Mixed Use District.* This district provides centers where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged.

Mixed-Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.

The other Mixed-Use areas are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area. Moderate, to high-density residential uses should be encouraged in the mixed-use areas where such development would compliment and be harmonious with existing and potential development. It must be designed in a matter to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic.

Upon request of the Mixed Use Zoning District the development parameters must be submitted by the developer and subject to approval by the Planning and Zoning Commission and City Council. The development parameters must be submitted in the form of a site development plan containing sufficient detail for evaluation by the Planning and Zoning Commission and City Council.

- D. *PD Planned District.* This district is primarily intended to provide for development of unique and innovative forms by utilizing the total space within a development by creating common open spaces, scenic and recreational areas, and other spaces, which will compensate for higher density development.

The development parameters are submitted by the developer and subject to approval by the Planning and Zoning Commission and City Council. The development parameters must be submitted in the form of a site development plan containing sufficient detail for evaluation by the Planning and Zoning Commission and City Council. The Planned District may be requested in conjunction with any zoning category.

- E. *OTC Old-Town Center.* This category encompasses the historic Downtown area and Courthouse square that promotes a mixture of office, retail, institutional, civic, and certain light intensity residential uses intermixed through compatible site planning and building design consistent with the historic fabric of the area. Any mixed use occupancy that will incorporate residential areas shall first make application for site plan approval.

## SECTION 5.

That Chapter 153 of the Code of the City of Rusk is hereby amended herein by amending Section, 153.74 and Table 153-5, to read as follows:

### **153.74 Use Allowances**

- A. *Permitted uses.* Uses identified with an "Y" are permitted by right in the designated zoning districts, subject to compliance with all other applicable provisions of this chapter.
- B. *Planned uses.* Uses identified with a "P" require site or narrative development plan approval. Development is to be consistent with the approved site or narrative development plan. If the property is undeveloped, any proposed use shall be consistent with design parameters approved with the zone change.
- C. *Special uses.* Used identified with an "S" in the use table may be allowed in the designated zoning districts if approved in accordance with the special use approval procedures. Approved special uses are subject to compliance with all other applicable provisions of this chapter.

D. "Use" means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the *primary use* of the site. Any use subordinate or incidental to the primary use on a site is considered an *accessory use*.

Permanent Cosmetics and/or Piercing Salons, as defined in "Definitions," which are an accessory and related retail land use to a use already allowed in the zoning district in which the primary use is located, shall be considered an accessory use *provided the area utilized for the permanent cosmetic application or piercing salon occupies less than 25 percent of the floor area the primary use and the business is not open between the hours of 9:00 p.m. and 8:00 a.m.*

A piercing salon may be considered an accessory and related retail land use if it is associated with one or several of the following uses:

- 1) Grooming & Hygiene Salon,
- 2) Kiosk (Service),
- 3) Large Retail (w/Gas Sales),
- 4) Tailor Shop and
- 5) Variety Stores.

Permanent Cosmetics may be considered an accessory and related retail land use if it is associated with one or several of the following uses:

- 1) Grooming & Hygiene Salon,
- 2) Funeral Home,
- 3) Outpatient Care Clinic/Center,
- 4) Medical and Dental Offices, and
- 5) Hospital.

E. *Temporary uses*. Uses identified with a "T" in the use table are uses that require a temporary use permit with accordance with temporary uses procedures.

F. *Prohibited uses*. Uses that have no letter in the use table are expressly prohibited.

Table 153-5. Residential District Use Table

Use Group	AG	R-1	R-2	R-3	MF	SF-MH	MHP
Assisted Living/Retirement Center					Y		
Condominium				Y	Y		
Crisis Center (6 or fewer)	S	S	S	S	S		
Duplex/Triplex/4-plex				Y	Y		
Garage Apartment	Y	Y	Y	Y	Y		

Halfway House					S		
Short Term Rental							
Mobile Home Park							Y (with license)
Modular Home	Y	Y	Y	Y		Y	
Mother-in-law quarters	S	S	S	S			
Multi-Family (Apartment)					Y		
Nursing Home/Rehabilitation					Y		
Rescue Mission/Home					S		
Single-Family Attached				Y	Y		
Single-Family Detached	Y	Y	Y	Y		Y	
Townhouse/Rowhouse				Y			
Cultural Facilities and Libraries	S	S	S	S	Y		
Day Care Center (Child or Adult)					Y		S
Parks and Open Space	Y	Y	Y	Y	Y	Y	Y
Animal Park	Y						
Zoo	S						
Post Office	Y	Y	Y	Y	Y	Y	Y
Public Safety (Police/Fire)	Y	Y	Y	Y	Y	Y	Y
Major Utilities	Y	S	S	S	S	S	S
Minor Utilities	Y	Y	Y	Y	Y	Y	Y
Church, Temple, Synagogue, Mosque, (Church Activity/Recreational Center)	Y	Y	Y	Y	Y	Y	Y
College or University					Y		
College Dormitory (Off Campus)					Y		
College Fraternity/Sorority House					Y		
Public School (Pre-School, Kindergarten, Elementary, Junior High, High School)	Y	Y	Y	Y	Y	Y	Y
School student/activity center/field (public)	Y	S	Y	Y	Y	Y	Y
Club/Social Organization	S		S	S	S	S	S
Country Club (Private)	S		S	S	S	S	S
Rodeo Grounds	S						
Bed and Breakfast	S	S	S	S	S		
Boarding/Rooming House	S	S	S	S	S		
Campground	S				S		
Oil and Gas Exploration (Drilling Activity)	S	S	S	S	S	S	S
Oil and Gas Exploration (Producing Well)	S	S	S	S	S	S	S
Accessory Structures	Y	Y	Y	Y	Y	Y	Y
Community Center (Public or Private)	S	S	S	S	S	S	S
One Chair Barber/Beauty Shop (Residential)	S	S	S	S	S	S	S
Day Care at Home (Adults) max. 6	S	S	S	S	S	S	S

Day Care at Home (Children) max. 6	S	S	S	S	S	S	S
Home Occupation	S	S	S	S	S	S	S
Photography Studio	Y	Y	Y	Y	Y	Y	Y
Piano Lessons	Y	Y	Y	Y	Y	Y	Y
Swimming Lessons	Y	Y	Y	Y	Y	Y	Y

Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
<b>RESIDENTIAL</b>						
Assisted Living/Retirement Center		Y	Y	Y		
Condominium		Y	Y	Y	S	
Crisis Center	S	S	S	S		S
Halfway House	S	S	S	S		S
Multi-Family (Apartment)		Y	Y	Y	S	S
Nursing Home/Rehabilitation		Y	Y	Y		
Rescue Mission/Home		S	S	S		S
Single-Family Attached			S	S		
Single-Family Detached	Y			Y		Y
Townhouse/Rowhouse				S		S
Two-Family Duplex /Three-Family Triplex				S		S
<b>PUBLIC/CIVIC</b>						
Cultural Facilities and Libraries	S	Y	Y	Y	S	Y
Day Care Center (Child or Adult)		Y	Y	Y		S
Parks and Open Space	Y	Y	Y	Y	Y	Y
Amphitheater	Y	Y	Y	Y	Y	
Animal Park	Y		S	S		
Zoo	S		S	S		
Post Office	Y	Y	Y	Y	Y	Y
Public Safety (Police/Fire)	Y	Y	Y	Y	Y	Y
Major Utilities	Y	S	S	S	S	Y
Minor Utilities	Y	Y	Y	Y	Y	Y
Church, Temple, Synagogue, Mosque, Church Activity/Recreational Center	Y	Y	Y	Y	Y	Y
College or University			Y	Y	S	Y
College Dormitory (Off Campus)						
College Fraternity/Sorority House						
Public School (Pre-School, K-12)	Y	Y	Y	Y	Y	Y
School activity center/field (public)	Y	Y	Y	Y	Y	Y
<b>COMMERCIAL</b>						
<i>Agriculture</i>						
Stables	Y					

Cattle Pens	Y					Y
Dairy Farm	Y					
Farm/Crop Production	Y					
Feed Lot	Y					
Fishing Pond	Y			S		Y
Orchard	Y					Y
Grain Storage Elevator	Y					Y
Greenhouse/Plant Nursery	Y		Y	S		Y
Livestock/Auction Facility	Y					
Tree Farm	Y					Y
<b><i>Animal Services</i></b>						
Kennel (Commercial)	Y		Y	S		Y
Pet Grooming (No overnight stay)	Y	Y	Y	Y	Y	Y
Pet Shop (No outdoor pens)	Y	Y	Y	Y	Y	Y
Pet Shop (Outdoor pens)	Y		Y	S		Y
Veterinary Clinic (No outdoor pens)	Y	Y	Y	Y	Y	Y
Veterinary Clinic (Outdoor pens)	Y		Y			Y
<b><i>Banks and Financial Services</i></b>						
Automatic Teller Machine (ATM)	Y	Y	Y	Y	Y	Y
Bank		Y	Y	Y	Y	Y
Credit Union/Bureau		Y	Y	Y	Y	Y
Pawn Shop		Y	Y	Y		Y
Bail Bonds		Y	Y	Y		Y
<b><i>Construction Sales and Service</i></b>						
Building Material/Home Supply Store (No Outdoor Storage)		Y	Y	Y	Y	Y
Building Material/Home Supply Store (Outdoor Storage)		Y	Y			Y
Cabinet/Woodwork shop (Repair only)		Y	Y	Y	S	Y
Contractor's Shop/Storage yard				S	S	Y
Electrical, Plumbing, A/C, Heat (Wholesale)				S	S	Y
Lumber/Building Materials Sales Yard				S	S	Y
<b><i>Eating and Drinking Establishments</i></b>						
Bakery (Retail)		Y	Y	Y	Y	Y
Café, Coffee Shop, Tea Room		Y	Y	Y	Y	Y
Delicatessen		Y	Y	Y	Y	Y
Donut Shop		Y	Y	Y	Y	Y
Food Vendors (Mobile)				T	T	T
Ice Cream Parlor		Y	Y	Y	Y	Y
Restaurant		Y	Y	Y	Y	Y
<b><i>Entertainment (Indoor)</i></b>						
Club/Social Organization		S	Y	Y	Y	Y
Concert Facility		S	Y	Y	S	Y
Dance Hall, Nightclub, Disco, Bar			Y	S	Y	Y



Theater, Playhouse		S	Y	Y	Y	Y
Theater-Cinema	S	S	Y	Y	Y	Y
<b>Entertainment (Outdoor)</b>						
Amphitheater	Y	S	Y	Y	S	Y
Circus/Carnivals		T	T	T	T	T
Country Club	Y		Y	Y		S
Racetrack (Horse/Dog)	S					S
Racetrack (Motorized)	S					S
Recreational Field	S	Y	Y	Y	S	Y
Rodeo Grounds	S					S
Theater, Drive-in	S		Y	Y	T	Y
<b>Funeral and Internment Service</b>						
Cemetery, Mausoleum	State Law: No new cemeteries within city limits. Existing cemeteries may be expanded.					
Columbarium	S	S	S	S	S	S
Monument Sales Lot			Y	Y		Y
Mortuary/Funeral Home/Crematory		Y	Y	Y	Y	Y
<b>Lodging</b>						
Bed and Breakfast	S	Y	Y	S	S	
Cabins, Rental	S		S	S		Y
Extended Stay Hotel			Y	S		Y
Hotel, Motel, Resort		S	Y	Y		Y
RV Park			S	S		Y
<b>Short Term Rental</b>						
<b>Medical, Dental, Optical</b>						
Dentist Office		Y	Y	Y	Y	Y
Pharmacy (Apothecary)		Y	Y	Y	Y	Y
Physician's Office		Y	Y	Y	Y	Y
Psychologist Office		Y	Y	Y	Y	Y
Optometrist Office		Y	Y	Y	Y	Y
Laboratory, Medical		Y	Y	Y	Y	Y
<b>Office</b>						
Abstract Office		Y	Y	Y	Y	Y
Accounting Office		Y	Y	Y	Y	Y
Advertising/Public Relations Agency		Y	Y	Y	Y	Y
Architect's, Engineer's, Planner's Office		Y	Y	Y	Y	Y
Attorney's Office		Y	Y	Y	Y	Y
Collection Agency		Y	Y	Y	Y	Y
Data Processing Service		Y	Y	Y	Y	Y
Employment Agency		Y	Y	Y	Y	Y
Geologist/Oil and Gas Office		Y	Y	Y	Y	Y
Insurance Office		Y	Y	Y	Y	Y
Research Laboratory		Y	Y	Y	Y	Y
Answering Service Office		Y	Y	Y	Y	Y
Business serv (copy, fax, internet)		Y	Y	Y	Y	Y

Print Shop		Y	Y	Y	Y	Y
Protection Service Office		Y	Y	Y	Y	Y
Stocks and Bonds Brokerage Office		Y	Y	Y	Y	Y
Studio (Broadcasting/Recording)		Y	Y	Y	Y	Y
Tax Consultant/Financial Office		Y	Y	Y	Y	Y
Utility Company Office		Y	Y	Y	Y	Y
Office Park		Y	Y	Y	Y	Y
Parking Garage/Lot (Commercial)		Y	Y	Y	Y	Y
<b>Personal &amp; Consumer Service</b>						
Alcohol Retail Sales/Package Store			Y	S	S	Y
Business, Professional School		Y	Y	Y	Y	Y
Catering Service		Y	Y	Y	Y	Y
Cleaning/Laundry (Pick-up/Drop-off)		Y	Y	Y	Y	Y
Cleaning/Laundry (On-site)			Y	Y		Y
Community Health/Welfare Center		Y	Y	Y	S	Y
Day Spa		Y	Y	Y	Y	Y
Framing Shop		Y	Y	Y	Y	Y
Gas Station/Convenience store			Y	Y	S	Y
Hair Salon		Y	Y	Y	Y	Y
Permanent Cosmetics		Y	Y	Y	Y	Y
Art, Ceramic, Craft Workshop		Y	Y	Y	Y	Y
Laundry (Self Service)			Y	Y		Y
Massage Therapist		Y	Y	Y	Y	Y
Optical/Eyewear Store		Y	Y	Y	Y	Y
Palm Reader						Y
Photography Studio		Y	Y	Y	Y	Y
Art Studio, Instructional or Gallery		Y	Y	Y	Y	Y
Tailor/Seamstress Shop		Y	Y	Y	Y	Y
Tanning Salon		Y	Y	Y	Y	Y
Tattoo Studio/Body Piercing		Y	Y			Y
Travel Agency		Y	Y	Y	Y	Y
<b>Retail Sales and Services</b>						
Antique Mall, Multiple Dealers		Y	Y	Y	Y	Y
Antique Shop		Y	Y	Y	Y	Y
Antique Shop (With Outdoor Display)		Y	Y	Y	Y	Y
Arts and Crafts Supply Store		Y	Y	Y	Y	Y
Auto Supply (Without Installation)			Y	Y		Y
Bicycle Shop		Y	Y	Y	Y	Y
Book Store		Y	Y	Y	Y	Y
Camera, Photography Store		Y	Y	Y	Y	Y
Cleaning Plant (Commercial)			Y	S		Y
Clothing/Apparel (Custom Made)		Y	Y	Y	Y	Y
Clothing/Apparel Store			Y	Y	Y	Y
Confectionery Shop (Retail)		Y	Y	Y	Y	Y

Department Store			Y	Y	Y	Y
Discount Store			Y	Y	Y	Y
Drug Store		Y	Y	Y	Y	Y
Feed/Seed Store			Y	Y	Y	Y
Flea Market (Indoor Only)			Y	Y	Y	Y
Flea Market (Outdoor Display/Sales)			Y	Y	S	Y
Florist		Y	Y	Y	Y	Y
Food, Grocery Store			Y	Y	Y	Y
Fruit-Vegetable/Produce Market		Y	Y	Y	Y	Y
Fruit-Vegetable Stand		Y	Y	Y	Y	Y
Furniture/Appliance (Sales and Service)			Y	Y	Y	Y
Gift Shop		Y	Y	Y	Y	Y
Hardware Store			Y	Y	Y	Y
Jewelry (Custom Made)		Y	Y	Y	Y	Y
Jewelry Store		Y	Y	Y	Y	Y
Key/Locksmith Shop		Y	Y	Y	Y	Y
Lawn and Garden			Y	Y	Y	Y
Lawn/Garden (Outdoor Display/Sales)			Y	Y	Y	Y
Lawn/Garden Equip Sales/Service			Y	Y	S	Y
Meat/Seafood Market (No processing)		Y	Y	Y	Y	Y
Medical Appliance Store		Y	Y	Y	Y	Y
Music Store		Y	Y	Y	Y	Y
Outdoor Display			Y	Y	Y	Y
Outdoor Storage			Y	Y		Y
Second Hand Store		Y	Y	Y	Y	Y
Sewing Machine Sales and Service		Y	Y	Y	Y	Y
Shoe Repair Shop		Y	Y	Y	Y	Y
Shoe Store		Y	Y	Y	Y	Y
Shoes, Boots, Purses (Custom Made)		Y	Y	Y	Y	Y
Skateboard & Bicycle sales		Y	Y	Y	Y	Y
Swimming Pool Sales/Supplies			Y	Y		Y
Taxidermy Shop	Y	Y	Y	Y	Y	Y
Tobacco Store		Y	Y	Y	Y	Y
Video Store		Y	Y	Y	Y	Y
Self-Service Storage Facility			Y			Y
Sexually Oriented Business						Y
<b>SPORTS &amp; RECREATION-INDOOR</b>						
Archery Range			Y	Y		Y
Bingo Parlor			Y	Y	S	Y
Bowling Alley		Y	Y	Y		Y
Commercial Amusement Center		Y	Y	Y	Y	Y
Commercial Recreation Center		S	Y	Y	S	Y
Firearms Range (Indoor)	S	S	Y	S		Y
Pool Hall, Game Room (See Ch. 111-CO)			Y	Y	Y	Y

Private Recreational Club			S	S		S
Skating Rink		S	Y	Y		Y
<b>SPORTS &amp; RECREATION-OUTDOOR</b>						
Archery Range	S		S			S
Commercial Amusement Park	S		Y	Y		Y
Commercial Recreation Center			Y	Y	Y	Y
Day Camp	Y		S	Y		Y
Fish Pond (Commercial)	Y					
Go-Cart Track	S	S	S	S		Y
Golf Course, Mini Golf & Driving Rng	S	S	S	S		Y
Marina/Boat Dock			S	S		Y
Riding Stable/Club	S		S	S		Y
Rodeo Grounds	S					S
Skateboard Park	Y		Y	Y		Y
Skeet/Trap Range	S					S
Telecom/Broadcast Towers/Bldgs	S	S	S	S	S	S
<b>VEHICLE AND EQUIPMENT SALES, RENTAL AND REPAIR</b>						
Automobile Dealership		Y	Y	Y		Y
Motorcycle Dealership		Y	Y	Y		Y
Auto Detail Shop		Y	Y	Y		Y
Auto Glass, Muffler, Upholstery, Hedlnr			Y	Y		Y
Auto Rental Agency			Y	Y	S	Y
Auto/Truck Equipment Auction Facility			Y	Y		Y
Battery Service Shop			Y	Y		Y
Car Wash			Y	Y		Y
Tire Sales and Service			Y	Y		Y
Tire Sales/Srvc with Outdoor Disp			Y	Y		Y
Auto and Motorcycle Service Garage			Y	Y		Y
Auto Repair Services, Major			Y			Y
Auto Repair Services, Minor			Y	Y		Y
Auto Supply (With Install)			Y	Y		Y
Auto/Truck Paint and Body Shop			Y	Y		Y
Vehicle Towing Service			Y	Y		Y
<b>HEAVY EQUIPMENT/VEHICLE SALES/ RENTAL</b>						
Boat Dealership			Y	Y		Y
Heavy Equip/Machinery Rental Yard			Y	Y		Y
Heavy Mchnry Dealer (Sales/Service)			Y	Y		Y
Manufactured Housing Sales Lot						Y
R. V. Dealership			Y	Y		Y
Truck Stop (Fuel, Service)			Y	Y		Y
Truck/Heavy Equipment Rental Facility						Y
Truck/Tractor (Sales, Rental & Srvc)			Y	Y		Y

Industrial District Use Table

Use Group	AG	PO	INT	B-1	B-2	MYU	OTC	LI	P-OS
<b>Industrial</b>									
Limited								Y	
Electronic/Electrical Equipment Mfg.								Y	
Food Manufacturing/ Processing Plant								Y	
Furniture/Fixtures Manufacturing Plant								Y	
Lithographic Shop/ Commercial Printer					Y			Y	
Meat/Fish Packing Plant								Y	
Milk Distribution Station					Y			Y	
Newspaper Printing Plant					Y			Y	
Poultry Processing Plant								Y	
Printing/Publishing Plant					Y			Y	
Sheet Metal Fabrication Shop								Y	
Sign Contractor's Shop/ Yard								Y	
Acid Manufacturing Plant								Y	
Auto/Truck Assembly Plant								Y	
Boat Manufacturing Plant								Y	
Chemicals/Allied Products Mfg. Plant								Y	
Fabricate Metal/ Welding								Y	
Fertilizer Plant								Y	
Grain/Feed Processing Plant								Y	
Foundry/Metals Manufacturing Plant								Y	
Home Appliance Manufacturing Plant								Y	
Industrial/Commercial Equipment Mfg.								Y	
Motor Freight Terminal								Y	
Pulp-Paper Mill								Y	
Railroad Depot						S		Y	

Railroad Freight Terminal						S		Y	
Sand, Gravel, Stone, Earth, Mineral Extraction						S		S	
Sand, Gravel, Stone, Earth, Mineral Sales						Y		Y	
Textile Mill								Y	
Tire Retreading/Vulcanizing Plant								Y	
Wood Products Mfg. Plant (10+ Employees)					S	S		Y	
Oil and Gas Exploration (Drilling Activity)	S	S	S	S	S	S	S	S	
Oil and Gas Exploration (Producing Well)	S	S	S	S	S	S	S	S	S
Oil and Gas Field Equipment Sales/Rental								Y	S
Oil and Gas Treatment/Processing Plant								Y	
Petroleum Refinery								Y	
Petroleum Tank Farm								Y	
<b>Research Laboratory</b>									
Laboratory Mfg.								Y	
<b>Warehousing and Wholesaling</b>									
Frozen Food Locker Plant								Y	Warehousing and Wholesaling
Hauling and Storage Facility								Y	
Warehouse and Distribution Center								Y	
<b>Waste and Disposal</b>									
Junk/Salvage Yard								Y	
Sanitary Landfill								Y	
<b>Recycling Facilities</b>									
Building Materials Salvage Yard								Y	
Industrial Recycling Plant								Y	
Recycling Center/Collection (Cans, Glass, Paper)			S	S	Y	S		Y	
Recycling Center (Hazardous Material)								Y	

## SECTION 6.

That Chapter 153 of the Code of the City of Rusk is hereby amended herein by amending Section, 153.82, to read as follows:

### **153.82 Special Uses**

The City Council may, after public hearing and proper notice to all parties affected, and, after recommendation from the Planning and Zoning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following:

- A. Any use of a public building to be erected or used by the city, county, state or federal government in any district.
- B. Dwelling units in L-1.
- C. Day nurseries keeping more than four children in any residential district, as allowed by Table 153-5.
- D. Dog kennels and veterinarian hospitals in the commercial district or on sites of five acres or more in any district, as allowed by Table 153-5.
- E. In any district, as allowed by Table 153-5, a commercial or recreational establishment or development primarily for entertainment which shall include, but not be limited to:
  1. Miniature golf course.
  2. Driving range.
  3. Sports arena.
  4. Bowling alley.
  5. Drive-in theater.
  6. Roller skating rink.
  7. Ice skating rink.
  8. Movie theater/cinema.
  9. Outdoor or indoor stage for theatrical or musical productions.
  10. Tennis courts.
  11. Baseball batting cages.

12. Basketball practice courts.
13. Rodeo grounds.
14. Race car tracks.
15. Off-the-road vehicle, go-cart tracks.

This shall not apply to a facility operated by a governmental entity or a privately owned noncommercial facility.

- F. Riding academy or public stable on sites of five acres or more in any district, as allowed by Table 153-5.
- G. Radio broadcasting towers and stations, television towers and television transmitting stations in any district, as allowed by Table 153-5.
- H. Any installation of a public utility either privately or publicly owned in any district, as allowed by Table 153-5.
- I. Gas and electrical public utility regulating stations in any district, as allowed by Table 153-5..
- J. Hospitals, children's homes, convalescent homes, old people's homes, maternity homes in an apartment district where a site of five acres or more is provided.
- K. Homes for the insane, alcoholic, feeble-minded and narcotic addicts in a commercial district or in any district, as allowed by Table 153-5, where a site of twenty (20) acres or more is provided.
- L. Lodges, boardinghouses, rooming houses in an apartment district.
- M. Private clubs and community buildings in an apartment or less restricted district or on a site of three acres or more in any district, as allowed by Table 153-5.
- N. Drive-in theaters in a local retail district or on sites of ten acres or more in any district, as allowed by Table 153-5.
- O. Commercial greenhouses and nurseries in any district, as allowed by Table 153-5.
- P. Trailer parks in a commercial district or on sites of 20 acres or more in any district, as allowed by Table 153-5.
- Q. Rock quarries, sand, gravel, earth excavations and drilling and extraction of underground mineral resources in industrial districts.
- R. Short term rentals pursuant to the requirements described of Chapter 96 of this code and as allowed by Table 153-5



S. Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the Building Official for the use of the buildings on such property pursuant to the special use permit; and such conditions shall not be construed as conditions precedent to the granting of a special use permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy. The following are examples of regulating measures which may be included in the requirements for a special use permit:

1. Parking stipulated as part of recommendation;
2. Site plan required in all applications;
3. Approval of means of ingress and egress;
4. Approval of building size and location;
5. Control of outside lighting and screening;
6. Special setbacks and/or building lines;
7. Surfacing of parking areas and drives;
8. Installation of curbs and drainage structures;
9. Approval of use permitted.

## SECTION 7

That Chapter 153 of the Code of the City of Rusk is hereby amended herein by amending Section, 153.216, to read as follows:

### **153.216 General Land Use Definitions**

Certain words in this section are defined for the purpose hereof as follows:

Words in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular; the word "building" includes the word "structure," the word "lot" includes the word "plot"; the word "shall" is mandatory and directive.

*Accessory Structure.* A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

*Accessory Use.* A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

*Adaptive Reuse.* The development of a new use for an older building or for a building originally designed for a special or specific purpose.

*Addition.* A structure added to the original structure at some time after the completion of the original; an extension or increase in floor area or height of a building or structure.

*Aerial Map.* A map created from a process involving the taking of photographs from the air with predetermined reference points marked on the ground.

*Aesthetic.* The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

*Agricultural Zoning.* Regulations that protect agricultural land base by limiting nonagricultural uses, prohibiting high-density development, requiring houses to be clustered on small lots, and restricting subdivision of land into parcels that are too small to farm.

*Alley.* A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

*Amortization.* A method of eliminating non-conforming uses by requiring the termination of non-conforming use after a specified period of time.

*Amusement Park.* A facility, primarily outdoors, that may include structures and building where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, as well as buildings for shows, entertainment, restaurants, and souvenir sales.

*Animal Kennel.* Any structure or premises, in which animals are boarded, groomed, bred, or trained for commercial gain.

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

*Annexation.* The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

*Antenna.* A device used to transmit and/or received radio or electromagnetic waves between terrestrially and/or orbitally based structures. See satellite dish antenna; wireless telecommunications towers and facilities.

Apartment. A room or suite of rooms in an apartment house arranged, designed or occupied as the residence by a single family, individual or group of individuals.

*Apartment Hotel.* Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other.

*Apartment House.* Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

*Applicant.* A person submitting an application for development.

*Appraisal.* An estimate or opinion of the value of real or personal property or an interest or estate in that property as determined by a qualified appraiser.

*Archery Range.* An outdoor facility, which may include buildings or structures, used for target practice with bows and arrows.

*Architectural Control.* Public regulations of the exterior design of private buildings to preserve, enhance, or develop the character of that particular area.

*Architectural Features.* A prominent or significant part or element of a building, structure, or site.

*Architectural style.* The characteristics form and detail of buildings or a particular historic period.

*Area of Lot.* The net area of the lot but not including portions of streets and alleys.

*Artist Studio.* A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

*Assessed Valuation.* The value at which property is appraised for tax purposes.

*Assisted Living Facility.* Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

*Attention-getting Device.* A device designed or intended to attract by noise; sudden, intermittent, or rhythmic movement; or physical change or lighting change, such as banners, flags, streamers, balloons, propellers, whirligigs, searchlights, and flashing lights.

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

*Automated Teller Machine.* An automated device that performs banking financial functions at a location that may be separate from the controlling financial institution.

*Automatic Car Wash.* A structure containing facilities for washing automobiles or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

*Automobile Repair Service, Major.* General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and major painting service.

*Automobile Repair Service, Minor.* The replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential but may include incidental body and fender work, minor painting, and upholstering service.

*Automobile Sales.* The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, or recreational vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

*Base Map.* A map having sufficient points of reference, such as state, county, or municipal boundary lines, streets, easements, and other selected physical features, to allow the plotting of other data.

*Basement.* That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

*Bed and Breakfast.* Tourist or guest lodging services within the rooms of a structure designed and built as a single family residential dwelling that acts as the property owner's principal residence and that offers sleeping accommodations in not more than eight (8) rental units for not more than fourteen (14) consecutive nights to transient guests for compensation and where breakfast may be the only meal served.

*Berm.* A mound of earth or the act of pushing earth into a mound.

*Bike Lane.* A corridor expressly reserved for bicycles, located on a street or roadway in addition to any lanes for use by motorized vehicles.

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

*Board of Adjustment.* An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict interpretation of the zoning ordinance.

*Boardinghouse.* A building other than a hotel, where lodging and means for five or more persons are served for compensation.

*Breezeway.* A covered passage one story in height connecting a main structure and an accessory building.

*Buffer Strip.* Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

*Building.* Any structure or building for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

*Building, end of.* Those sides of the building having the least dimensions and in which doors or openings are not customarily provided for ingress and egress.

*Building Line.* A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

*Building Height.* The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

*Building Official.* The individual designated by the appointing authority to enforce the provisions of the building code.

*Building Permit.* Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

*Business.* Includes retail, commercial and manufacturing uses and districts as defined in this section.

*Caliper.* The diameter of a tree trunk.

*Campground.* A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

*Campus.* The grounds and buildings of a public or private college, university, school, or institution.

*Capital Improvements Program.* A timetable or schedule of all future capital improvements to be carried out during a specific period, listed in order of priority, together with cost estimates and the anticipated means and sources of financing each project.

*Car wash.* Any building or premise used for washing motor vehicles.

*Carport.* A roofed structure providing space for the parking of motor vehicles.

*Cellar.* That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

*Cemetery.* Property used for the interment of the dead.

*Census.* An official periodic enumeration of a designated geographic area's population, housing, and related characteristics.

*Census Tract.* Small areas into which large cities and adjacent areas have been divided for statistical purposes.

*Certificate of Appropriateness.* A certificate issued by the approving authority on approval of the exterior architectural features of any new building construction or alterations to an existing building located within a historic zone.

*Certificate of Occupancy (CO).* A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable requirements.

*Change of Use.* Any use that substantially differs from the previous use of a building or land.

*Child-care Center.* An establishment providing for the care, supervision, and protection of children.

*Clinic, Medical.* An institution or station for the examination and treatment of ill and afflicted outpatients.

*Club.* A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

*College.* An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

*Commercial Use.* Activity involving the sale of goods or services carried out for profit.

*Community Center.* A facility used for recreational, social, educational, and cultural activities.

*Community Health/Welfare Center - community-based and patient-directed organizations that serve populations with limited access to health care.*

*Complete Application.* An application for development completed as specified by ordinance and the rules and regulations of the approving authority and the provisions of all required documents.

*Condominium.* A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

*Contour Line.* A line on a map that connects all points of the same ground elevation. Convalescent home shall mean any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

*Convalescent Center.* A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization.

*Council of Governments (COG).* A regional planning and review authority whose membership includes representation from all communities in the designated region.

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

*Crisis Center - a facility, telephone answering system, etc., where individuals going through personal crises can obtain help or advice.*

*Customary Home Occupation.* An occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment without the employment of additional persons, without the use of a sign to

advertise the occupation and which does not cause the generation of additional traffic in the street.

*Day-care Center, Adult.* A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-hour day.

*Day Nursery.* A place where children are left for care between the hours of 7:00 a.m. and 12:00 midnight.

*Demography.* The study of population and its characteristics.

*Demolition Permit.* Official authorization to remove part, or all, of a building or structure.

*Density.* The number of families, individuals, dwelling units, households, or housing structures per unit of land.

*Design Standards.* A set of guidelines defining parameters to be followed in site and/or building design and development.

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

*Depth of Rear Yard.* The horizontal distance between the rear line of a building other than an accessory building and the rear lot line.

*District.* A section of the city for which the regulations governing the area, height or use of the building are uniform.

*Dwelling, One-Family.* A detached building having accommodations for and occupied by not more than one family, or by one family and not more than four boarders or lodgers.

*Dwelling, Two-Family.* A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four boarders or lodgers, two boarders or lodgers to each unit.

*Dwelling Unit.* A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters.

*Efficiency Apartment.* An apartment having a combination living and bedroom with no separate bedroom.

*Egress.* An exit.



*Enlargement.* An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

*Escrow.* A deed, bond, cash, or other security delivered to a third person or agency and delivered by the third person or agency and delivered by the third person to the grantee only upon fulfillment of a condition.

*Existing Use.* The use of a lot or structure at the time of the enactment of a zoning ordinance.

*Facade.* The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

*Family.* A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit, in which not more than four individuals are unrelated by blood.. For purposes of this chapter "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

*Farm.* An area of two acres or more, which is used for the growing of the usual farm products such as vegetables, fruit trees and grain and their storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine including dairy farms with the necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

*Front Yard.* An open unoccupied space on a lot facing a street and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps or eave overhang.

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

*Gross Height (of a building or portion of a building).* Shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or, if no

street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded; chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

*Historic Area.* A district, zone, or area designed by a local, state, or federal authority within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history: or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

*Hobby Shop.* An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale or advertised for sale, nor may any sign be used in connection therewith.

*Home Occupation.* Any occupation that is customarily performed at home that does not involve a structural change in the building, require the employment of help, the installation of equipment or the display of a sign, and shall not include beauty culture schools, beauty parlors or doctor's offices for treatment of patients.

*Home Workshop.* See "Hobby shop."

*Homeless Shelter.* A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

*Homeowners Association.* A community association, other than a condominium association, that is organized in a development which individual owners share common interest and responsibilities for costs and upkeep of common open space or facilities.

*Hospital.* An institution or place where sick or injured inpatients are given medical or surgical care either at public (charity) or private expense.

*Hotel and Motel.* A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singly for hire, in which there are no provisions for cooking in individual rooms or apartments.

*Housing Project.* An area of three or more acres arranged according to a site plan to be submitted to and to be approved by the city planning and zoning board and the City Council on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and the entire area is to be zoned as an apartment zone upon the recommendation of the city planning and zoning board and the action of the City Council, and in which it shall not be necessary to subdivide the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers and storm sewer inlets shall be provided as required by the city and built in accordance with city specifications.

*Infill.* The development of new housing or other uses on scattered vacant sites in a built-up area.

*Ingress.* Access or entry.

*Junkyard.* Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

*Kennel.* An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

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

*Land Use Plan.* A basic element of the community master plan containing proposals for the physical, economic, and social development of the community.

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

*Lot Lines.* A line of record bounding a lot that divides one lot from another lot or from a public or private street from any other public space.

*Lot of Record.* A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk.

*Lot Width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

*Master Plan.* A comprehensive, long-range plan intended to guide the growth and development of a community or region for a set period of time and which typically includes inventory and analytic sections leading to recommendations for the community's land use, future economic development, housing, recreation and open space, transportation, community facilities, and community design, all related to the community's goals and objectives for these elements.

*Mixed Use Development.* The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact urban form.

*Moratorium.* The legally authorized delay of new construction or development.

*Nonconforming Uses.* A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

*Official Map.* An ordinance in map form adopted by the governing body that conclusively shows the location and width of existing and proposed streets, public facilities, public areas, and drainage rights-of-way.

*One-Family Dwelling.* A detached building having accommodations for and occupied by one family, or by one family and not more than four boarders or lodgers.

*Open Space.* Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

*Parking, Shared.* Joint utilization of a parking area for more than one use.

*Parking Space.* A space for the parking of a motor vehicle within a public or private parking area.

*Pedestrian Scale.* The proportional relationship between an individual and his or her environment.

*Permitted Uses.* Uses identified with a "P" require site or narrative development plan approval. Development is to be consistent with the approved site or narrative development plan. If the property is undeveloped, and proposed use shall be consistent with design parameters approved with the zone change.

*Planned Development.* An area of a minimum contiguous or non contiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination

of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

*Private Garage.* An accessory building or portion thereof in which not more than five privately owned motor-driven vehicles are stored by occupants of the premises, not more than one of which may be a truck of not to exceed one or one and one-half tons capacity.

*Private Stable.* A stable with a capacity for not more than four horses or mules.

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

*Public Meeting.* A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

*Rear Yard.* The required rear yard is an open space unoccupied and unobstructed to a depth of 20% of the depth of the lot. Accessory buildings may occupy not to exceed 50% of the area of the required rear yard, except that in an apartment district where access to accessory buildings is from a public alley, more than 50% of the required rear yard may be covered by such buildings, provided that the minimum distance between the rear of the main building and the accessory building equals at least 20% of the depth of the lot.

*Right-of-Way (ROW).* A strip of land required by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

*Setback.* The distance between the building and any lot line.

*Servants' Quarters.* An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

*Shopping Center.* An area consisting of three acres or more arranged according to a site plan to be submitted to and to be approved by the Planning and Zoning Commission and the City Council, on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of the various buildings, parking area, streets, and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking area, alley and sidewalks be in accordance with the city specifications for each type of improvement.

*Short Term Rental.* A privately owned dwelling , including but not limited to, a single -family dwelling , multifamily attached dwelling, apartment house, condominium , duplex, manufactured

home, or any portion of such dwellings, rented by the public for consideration and used for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days .The following are exempt from the regulations under this Chapter: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

*Side Yard.* An open, unoccupied space on the same lot with a building situated between the building and sideline of the lot and extending through from the front yard to the required rear yard . Any lot line not the rear line or a front line shall be deemed a sideline.

*Special Uses.* Used identified with an "S" in the use table may be allowed in the designated zoning districts if approved in accordance with the special use approval procedures. Approved special uses are subject to compliance with all other applicable provisions of this chapter.

*Stack (queuing) Space.* A paved drive leading off a public street, to a point(s) where service is provided while the individual is seated in a motor vehicle, e.g., drive-thru bank teller window or carry-out food service window; or for the purpose of loading and unloading passengers from vehicles.

*Storage Garage.* A building or portion thereof used for the storage of more than five passenger motor vehicles and trucks of not more than one and one-half tons capacity.

*Story, Half.* A story having an average height of not more than eight feet, covering a floor area of not more than 75% of the area of the floor of the first story below.

*Story, standard.* A story having 11 feet six inches between floors.

*Street.* Any thoroughfare or public driveway, other than an alley, and more than 20 feet in width, which has been dedicated or deemed to the public for public use.

*Street Line.* A dividing line between a lot, tract or parcel of land and a contiguous street.

*Structural Alteration.* Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

*Tattoo Parlor.* Tattoo Parlor, (shall include Tattoo Shops and Tattoo and Body Piercing Studios) are defined as establishments where the following procedures are performed on the human body; tattooing practices where an indelible mark or figure on the human body is made by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment, piercing the skin for the application of rings, pins and/or other objects, or any other means wherein the body is permanently marked, scarred or pierced. Facilities offering tattooing services must be

licensed by the State of Texas. This definition shall not include ear piercing or minor cosmetic tattooing such as eyeliner or lip liner performed in such places as a jewelry shop, beauty shop or other similar establishment.(Also tattoo shop; tattoo parlor) A place or business where people receive permanent decorative tattoos from a tattoo artist.

*Tourist Court.* One or more buildings designed or used as temporary living quarters for auto-manufacture transients in which individual cooking facilities may or may not be provided . If facilities are provided for individual cooking so that the units may be occupied as dwelling units, the same area, density and yard regulations as required in an apartment district shall be observed. In all cases one off-street parking space shall be provided for each room or suite of rooms in the tourist court.

*Trailer Camp or Park.* An area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families. House trailers, auto trailers or manufactured homes shall not be considered as dwellings, structures or buildings.

*Two-Family Dwelling.* A detached building having separate accommodations for occupancy by not more than two families, or by two families and not more than four boarders and lodgers.

*"Use".* Means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

*Used Car Lot.* A lot or portion thereof to be used only for the display and sale of auto-manufactured that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked auto-manufactured, or the dismantling of auto-manufactured, or the storage of auto-manufactured parts.

*Width of Side Yard.* The mean horizontal distance between a sidewall of a building and the sideline of the lot.

*Yard.* An open unoccupied space, other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky

## SECTION 8.

The remainder of Chapters 33, 96, and 153 of the Code of the City of Rusk, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 9.**

If any section, paragraph, sentence, clause or phrase of this ordinance is ever held to be invalid or unenforceable by court of competent jurisdiction, this holding shall not affect the validity and enforceability of all of the other provisions of this ordinance which can reasonably be given effect without any such invalid portion.

**SECTION 10.**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SECTION 11.**

All rights and remedies of the City of Rusk, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 12.**

The City Secretary of the City of Rusk is hereby directed to publish in the Official Newspaper of the City of Rusk the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

**SECTION 13.**

This Ordinance shall become effective from and after its date of passage and publication as required by law.

**INTRODUCED, READ and ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
BEN MIDDLEBROOKS, Mayor

Attest:

\_\_\_\_\_



CINDA ETHERIDGE, City Secretary