

## ARTICLE IV. - USE DISTRICTS

### DIVISION 1. - GENERALLY

**Secs. 348-126—348-155. - Reserved.**

### DIVISION 2. - DWELLING USE DISTRICT (D)

**Sec. 348-156. - Permitted uses.**

- (a) In a Dwelling use district no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:
- (1) One-family dwelling; two-family dwelling, provided it meets area district requirements.
  - (2) "Church," "school" or college; library; hospital.
  - (3) "Private club," excepting a club, the chief activity of which is a service customarily carried on as a business.
  - (4) Public park or playground; golf course, excepting a miniature golf course, where a fee is charged for playing; public recreation building; public museum; community building; fort.
  - (5) Telephone exchange, providing no business office and no repair or "storage" facilities are maintained; fire station; irrigation canal; water pump.
  - (6) Water supply reservoir; filter bed; tank or tower; artesian well.
  - (7) Railroad passenger station or right-of-way, but not including railroad yards.
  - (8) Farming, truck gardening; citrus orchard, nursery or greenhouse, providing no sales office is maintained.
  - (9) "Residential vehicle sales."
  - (10) Uses customarily incident to any of the uses in this subsection when located upon the same lot and not involving the conduct of a business, including a customary home occupation engaged in by the occupants of the dwelling on the premises, and including the office of a "professional" person when situated in the same dwelling used by such professional person as his private dwelling; and the sale of fruit, flowers or vegetables, provided no structure is maintained for such purpose.
- (b) No commercial or other advertising "sign" shall be permitted as an "accessory" use, except that a professional person may display a nameplate not exceeding one square foot in area containing the name and occupation of the resident, and excepting a sign not exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises or to activities contained in public or semipublic buildings.

(Code 1971, app. B, § 3; Ord. No. 87-235.12, § 7, 7-7-1987; Ord. No. 89-235.18, § 9, 1-17-1989; Ord. No. 2016-235.84, pt. 2, 7-5-2016)

**Secs. 348-157—348-185. - Reserved.**

### DIVISION 3. - DWELLING/RETAIL USE DISTRICT (DR)

**Sec. 348-186. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Dwelling/retail use district.

(Code 1971, app. B, § 3.5; Ord. No. 235.4, § 1, 5-12-1981; Ord. No. 235.8, §§ 1, 2, 6-3-1986; Ord. No. 87-235.10, § 5, 3-3-1987)

**Sec. 348-187. - Permitted uses.**

In a Dwelling/retail use district, permitted uses are as follows:

- (1) Any use or accessory use permitted in a Dwelling use district.
- (2) Required off-street parking to serve the premises.

(Code 1971, app. B, § 3.5(a); Ord. No. 235.4, § 1, 5-12-1981; Ord. No. 235.8, §§ 1, 2, 6-3-1986; Ord. No. 87-235.10, § 5, 3-3-1987)

**Sec. 348-188. - Conditional uses.**

In a Dwelling/retail use district, conditional uses are as follows:

- (1) Retail florist shop; on-premises storage or "manufacture" of groceries, foods, or beverages for retail sale on the premises but not for on-premises consumption; all subject to the following conditions:
  - a. The lot, any outdoor lighting, and all structures shall have a residential appearance;
  - b. The use shall be entirely contained within one or more buildings and shall be owned and operated by persons residing on the same lot;
  - c. There shall be no drive-up window or curbside service; and
  - d. The maximum "gross floor area" on the premises occupied by business-related uses shall not exceed the following:
    1. Seven hundred square feet if the premises "front on" a road right-of-way that is at least 70 feet wide;
    2. Four hundred square feet if fronting on one that is at least 60 feet wide;
    3. Two hundred square feet if fronting on one that is at least 50 feet wide;
    4. One hundred square feet if fronting on one that is at least 40 feet wide; and
    5. Zero if fronting on one that is less than 40 feet wide.
- (2) Karate/judo school, subject to subsection (1)a through (1)c of this section and the additional condition that the maximum gross floor area on the premises occupied by business-related uses shall not exceed 1,600 square feet and the premises shall front on an "arterial" or "collector."
- (3) Permanent signs, subject to the condition that permanent signs shall pertain to the occupancy of the building, shall be mounted flat against the building, shall not exceed ten square feet per lot, and shall not be artificially illuminated.
- (4) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard to the community and shall not provide any external evidence of its existence.
- (5) "Wet store," subject to subsection (1)a through (1)d of this section and the following additional conditions:
  - a. The premises shall front on an existing arterial or collector; and
  - b. The premises shall nowhere be within a radius of 200 feet from public school property.
- (6) Mobile food vendor base, subject to subsection (1)a, (1)c, and (1)d of this section and all of the following additional conditions:
  - a. The use shall be owned and operated exclusively by persons residing on the same lot.
  - b. The number of mobile food vending units associated with such lot shall be limited to one.
  - c. The mobile unit shall leave such lot no more than three times and return to such lot no more than three times in any 24-hour period.

- d. The mobile unit shall not be moved or serviced at such lot from 9:00 p.m. to 6:00 a.m.
  - e. The mobile unit shall be parked in a closed garage or parked as far away from streets as possible.
  - f. Persons residing on such lot shall not allow any of their vehicles, including but not limited to family car, mobile unit, boat trailer, to be parked on a public sidewalk or inside any road right-of-way in conjunction with either the residential or nonresidential use of such lot. Such lot shall contain a paved area large enough to park at least three of such vehicles without extending into any road right-of-way. The paved area shall consist of concrete or asphalt, may be indoors or outdoors, and shall be connected to the road right-of-way by a paved driveway.
  - g. When the mobile unit is parked at such lot, screening, such as a garage or vegetation, shall be used so that no sign on the unit is visible outside such lot.
- (7) Dried food manufacture, subject to subsection (1)a through (1)d of this section and the following additional conditions:
- a. The maximum gross floor area on the premises occupied by business-related uses shall not exceed 500 square feet; the premises shall front on a street right-of-way that is at least 50 feet wide; all of the premises shall be within 700 feet of Expressway 77/83.
  - b. There shall be no exterior signage. Outdoor refuse containers for the residence and business shall be limited to a total of three and shall be of the standard residential size and design. All food-drying fuel tanks shall be screened from public view. The business shall not be open to employees or deliveries at any time from 9:00 p.m. to 7:00 a.m.
  - c. Incoming food deliveries shall be limited to a maximum of 2,000 pounds per week and shall be transported in vehicles no larger than a 2.5-ton truck with two axles and six tires.
  - d. The maximum number of outgoing product deliveries from the site shall be three per week. Vehicles used for such deliveries shall be limited to unmarked vans or cars. All products shall be in individual packages containing no more than one pound each and being marked as "Texas inspected and passed."
  - e. The use shall not pose a hazard or nuisance to the community.

(Code 1971, app. B, § 3.5(b); Ord. No. 235.4, § 1, 5-12-1981; Ord. No. 235.8, §§ 1, 2, 6-3-1986; Ord. No. 87-235.10, § 5, 3-3-1987; Ord. No. 95-235.26, pt. 1, 11-28-1995; Ord. No. 99-235.45, pt. 1, 3-16-1999)

**Sec. 348-189. - Prohibited uses.**

In a Dwelling/retail use district, prohibited uses are car title loan businesses, check cashing businesses, delivery services, and payday advance or loan businesses.

(Code 1971, app. B, § 3.5(c); Ord. No. 235.4, § 1, 5-12-1981; Ord. No. 235.8, §§ 1, 2, 6-3-1986; Ord. No. 87-235.10, § 5, 3-3-1987; Ord. No. 2010-1521, § 2, 1-26-2010)

**Secs. 348-190—348-215. - Reserved.**

**DIVISION 4. - APARTMENT USE DISTRICT (A)**

**Sec. 348-216. - Permitted uses.**

In an Apartment use district no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) A use permitted in a Dwelling use district.
- (2) "Hotel" or "apartment house," provided no goods, wares or merchandise are offered for sale to the general public, and there shall be no shops, stores or display windows in the exterior of the building, it being the purpose of this subsection that any goods, wares or merchandise offered for sale shall be so offered in the lobby or foyer of such hotel or apartment house for the convenience of the occupants thereof only.

- (3) "Boardinghouse" or "lodging house;" "tourist camp," provided no goods or materials of any sort are sold on the premises.
- (4) Institution of an educational or philanthropic nature, other than a penal or correctional institution.
- (5) Uses customarily incident to any of the uses in this section when located upon the same lot and not involving the conduct of a business, including a customary home occupation engaged in by the occupants of the dwelling on the premises and including the office of a professional person when situated in the same dwelling used by such professional person as his private dwelling; and the sale of fruit, flowers or vegetables, provided no structure is maintained for such purpose. No commercial or other advertising sign shall be permitted as an accessory use, except that a professional person may display a nameplate not exceeding one square foot in area containing the name and occupation of the resident and excepting a sign not exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises or to activities contained in public or semipublic buildings.

(Code 1971, app. B, § 4; Ord. No. 87-235.12, § 6, 7-7-1987)

**Sec. 348-217. - Prohibited uses.**

Prohibited uses in an Apartment use district are car title loan businesses, check cashing businesses, and payday advance or loan businesses.

(Ord. No. 2010-1521, § 3, 1-26-2010)

**Secs. 348-218—348-250. - Reserved.**

**DIVISION 5. - PROFESSIONAL OFFICE USE DISTRICT (1C)[4]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-251. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Professional Office use district.

(Code 1971, app. B, § 4.6; Ord. No. 89-235.18, § 7, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.6), 4-24-2001)

**Sec. 348-252. - Permitted uses.**

In the Professional Office use district, permitted uses are as follows:

- (1) One-family dwelling; apartment house.
- (2) Church; day care center; private school limited to grades K-12.
- (3) Public school; public college; public library; city park; fire station.
- (4) Residential vehicle sales.
- (5) Required off-road parking to serve the premises.

(Code 1971, app. B, § 4.6(a); Ord. No. 89-235.18, § 7, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.6), 4-24-2001; Ord. No. 2016-235.84, pt. 3, 7-5-2016)

**Sec. 348-253. - Conditional uses.**

In the Professional Office use district, conditional uses are as follows:

- (1) "Office," subject to the following conditions:
  - a. If the office provides services to persons visiting the premises, such services shall be of a professional nature;
  - b. The lot, any outdoor lighting, and all structures shall have a residential appearance, with at least 95 percent of all visible walls and roofs being made of brick, lumber, glass, stone, stucco over masonry, or roof tiles or shingles; and
  - c. No off-road parking shall be provided in the required front, rear, or side yard.
- (2) Signs, subject to the following conditions:
  - a. Temporary signs shall pertain to the sale or rental of the premises and shall not exceed eight square feet in total area; and
  - b. Permanent signs shall pertain to the occupancy of the building; shall not be artificially illuminated; shall have a total area per lot of not more than 0.4 square feet for each linear foot of the front line of the lot; and shall either be mounted flat against the building or be no further than five feet from the building, no higher than five feet above the natural grade of the lot, and parallel to the building.
- (3) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard to the community and shall not provide any external evidence of its existence.

(Code 1971, app. B, § 4.6(b); Ord. No. 89-235.18, § 7, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.6), 4-24-2001)

**Sec. 348-254. - Prohibited uses.**

In the Professional Office use district, prohibited uses are as follows:

- (1) Hospital; clinic operated by more than two professionals; veterinary office.
- (2) "Group quarters."
- (3) Financial institution.
- (4) "Delivery service."
- (5) On-premises sale, rental, or manufacture of goods, except as permitted by section 348-253(3).
- (6) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.

(Code 1971, app. B, § 4.6(c); Ord. No. 89-235.18, § 7, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.6), 4-24-2001; Ord. No. 2010-1521, § 4, 1-26-2010)

**Secs. 348-255—348-280. - Reserved.**

**DIVISION 6. - LIGHT RETAIL USE DISTRICT (2C)[5]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-281. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Light Retail use district.

(Code 1971, app. B, § 4.8; Ord. No. 89-235.18, § 6, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.8), 4-24-2001)

**Sec. 348-282. - Permitted uses.**

In the Light Retail use district, permitted uses are as follows:

- (1) One-family dwelling; apartment house.
- (2) Church; day care center; private school limited to grades K-12.
- (3) Public school; public college; public library; city park; fire station.
- (4) Residential vehicle sales.
- (5) Required off-road parking to serve the premises.

(Code 1971, app. B, § 4.8(a); Ord. No. 89-235.18, § 6, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.8(A)), 4-24-2001; Ord. No. 2016-235.84, pt. 4, 7-5-2016)

**Sec. 348-283. - Conditional uses.**

In the Light Retail use district, conditional uses are as follows:

- (1) Conditional uses, subject to the following conditions:
  - a. The lot, any outdoor lighting, and all structures shall have a residential appearance, with at least 95 percent of all visible walls and roofs being made of brick, lumber, glass, stone, stucco over masonry, or roof tiles or shingles;
  - b. The use shall not be located in the required front yard or side yard;
  - c. The maximum gross floor area on the premises occupied by nonresidential uses shall not exceed 3,000 square feet; and
  - d. No business, other than a "bed and breakfast," shall be open to the public at any time from 2:00 a.m. to 7:00 a.m.
- (2) Other school, except karate/Judo school.
- (3) Other "nonprofit organization."
- (4) Bed and breakfast.
- (5) Office.
- (6) "Personal service outlet."
- (7) Retail sale of new office equipment, furniture, or supplies.
- (8) Retail sale of new "household items."
- (9) Retail sale of nonalcoholic beverages or food for off-premises consumption.
- (10) Wet store, subject to the additional conditions set forth in section 348-343(4).
- (11) "Dry restaurant."
- (12) "Wet restaurant," subject to the additional conditions set forth in section 348-343(5).
- (13) Signs, subject to the additional condition that permanent signs shall pertain to the occupancy of the building and shall not be artificially illuminated after business hours.
- (14) Other accessory uses, subject to the additional condition that the accessory use shall not pose a hazard to the community and shall not provide any external evidence of its existence.

(Code 1971, app. B, § 4.8(b); Ord. No. 89-235.18, § 6, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.8(B)), 4-24-2001)

**Sec. 348-284. - Prohibited uses.**

In the Light Retail use district, prohibited uses are as follows:

- (1) Hospital; clinic operated by more than four professionals; veterinary office.
- (2) Group quarters.
- (3) "Money exchange business."
- (4) Fast-food, quick-print, quick-photo, or similar business.
- (5) For-profit sale of any used or secondhand item.
- (6) For-profit sale, repair, painting, washing, parking, or other servicing of vehicles, trailers, tires, parts, oil, fuel, or similar items.
- (7) Delivery service, drive-up window, curbside service, or heliport.
- (8) Sale of firewood, major appliances, or building materials.
- (9) Amusement arcade, appliance repair, gym, laundromat, dry cleaner, "miniwarehouse," mortuary, or "sexually oriented business."
- (10) On-premises rental, lease, or manufacture of goods, except as permitted by section 348-283(14).
- (11) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.

(Code 1971, app. B, § 4.8(c); Ord. No. 89-235.18, § 6, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.8(C)), 4-24-2001; Ord. No. 2010-1521, § 5, 1-26-2010)

**Sec. 348-285. - Landscaping.**

In the Light Retail use district, landscaping shall be provided as follows:

- (1) At least 20 percent of the required "front yard" shall be landscaped.
- (2) The area between the road pavement and the "lot line" shall not be paved, except for permitted driveways, sidewalks, curbs, or roads.

(Code 1971, app. B, § 4.8(d); Ord. No. 89-235.18, § 6, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.8(D)), 4-24-2001)

**Secs. 348-286—348-310. - Reserved.**

**DIVISION 7. - MEDIUM RETAIL USE DISTRICT (3C)[6]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-311. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Medium Retail use district.

(Code 1971, app. B, § 4.9; Ord. No. 89-235.18, § 5, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.9), 4-24-2001)

**Sec. 348-312. - Permitted uses.**

In a Medium Retail use district, permitted uses are as follows:

- (1) One-family dwelling; apartment house.
- (2) Church; day care center; private school limited to grades K-12.
- (3) Public school; public college; public library; city park; fire station.
- (4) Residential vehicle sales.
- (5) Required off-road parking to serve the premises.

(Code 1971, app. B, § 4.9(a); Ord. No. 89-235.18, § 5, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.9(A)), 4-24-2001; Ord. No. 2016-235.84, pt. 5, 7-5-2016)

**Sec. 348-313. - Conditional uses.**

In a Medium Retail use district, conditional uses are as follows, subject to the condition that the maximum gross floor area on the premises occupied by nonresidential uses shall not exceed 10,000 square feet.

- (1) Other school.
- (2) Other nonprofit organization.
- (3) Hotel; motel; tourist camp; boardinghouse or lodging house.
- (4) Office.
- (5) Personal service outlet.
- (6) Retail sale of new office equipment, furniture, or supplies.
- (7) Retail sale of new household items.
- (8) Retail sale of nonalcoholic beverages or food for off-premises consumption.
- (9) Wet store, subject to the additional conditions set forth in section 348-343(4).
- (10) Dry restaurant.
- (11) Wet restaurant, subject to the additional conditions set forth in section 348-343(5).
- (12) Signs, subject to the additional condition that permanent signs shall pertain to the occupancy of the building.
- (13) Other accessory uses, subject to the additional condition that the accessory use shall not pose a hazard or nuisance to the community.

(Code 1971, app. B, § 4.9(b); Ord. No. 89-235.18, § 5, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.9(B)), 4-24-2001)

**Sec. 348-314. - Prohibited uses.**

In a Medium Retail use district, prohibited uses are as follows:

- (1) Hospital; veterinary offices.
- (2) Group quarters.
- (3) Money exchange business.
- (4) For-profit sale of any used or secondhand item, other than antique store.



- (5) For-profit sale, repair, painting, washing, or parking of: vehicles, trailers, tires, or parts.
- (6) Heliport.
- (7) Sale of building materials.
- (8) Amusement arcade, appliance repair, miniwarehouse, mortuary, or sexually oriented business.
- (9) On-premises rental, lease, or manufacture of goods, except as permitted by section 348-313(14).
- (10) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.

(Code 1971, app. B, § 4.9(c); Ord. No. 89-235.18, § 5, 1-17-1989; Ord. No. 98-235.41, pt. 1, 8-4-1998; Ord. No. 2001-235.49, pt. 2(4.9(C)), 4-24-2001; Ord. No. 2010-1521, § 6, 1-26-2010)

**Secs. 348-315—348-340. - Reserved.**

**DIVISION 8. - GENERAL RETAIL USE DISTRICT (4C)[7]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-341. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a General Retail use district.

(Code 1971, app. B, § 5.1; Ord. No. 89-235.18, § 4, 1-17-1989; Ord. No. 89-235.19, § 1, 4-18-1989; Ord. No. 2001-235.49, pt. 2(5.1), 4-24-2001)

**Sec. 348-342. - Permitted uses.**

In a General Retail use district, permitted uses are as follows:

- (1) Any use or accessory use permitted in a Light Retail or Medium Retail use district.
- (2) On-premises sign.
- (3) Bank, hotel, office, studio; retail nursery, retail greenhouse; ice delivery station; electric substation.
- (4) Dry restaurant; theater; miniature golf course; tourist camp.
- (5) Mortuary.
- (6) On-premises or off-premises parking of passenger vehicles by customers or employees of any premises.
- (7) Amusement arcade with no more than five gaming devices per building.

(Code 1971, app. B, § 5.1(a); Ord. No. 89-235.18, § 4, 1-17-1989; Ord. No. 89-235.19, § 1, 4-18-1989; Ord. No. 2001-235.49, pt. 2(5.1(A)), 4-24-2001; Ord. No. 2003-235.57, pt. 3, 3-18-2003; Ord. No. 2016-235.84, pt. 6, 7-5-2016)

**Sec. 348-343. - Conditional uses.**

In a General Retail use district, conditional uses are as follows:

- (1) Pressing, dry cleaning, or dyeing establishment, subject to the condition that no more than ten people shall be employed on the premises.

- (2) Gasoline filling station; tire repair or battery shop; "public garage;" all subject to the condition that the use's property line shall be no closer than 300 feet to each property line of any college, school, church, hospital, public park, or public playground.
- (3) Veterinary clinic, subject to the following conditions:
  - a. The use shall be entirely contained within soundproofed buildings equipped with complete odor-control and sanitation facilities; and
  - b. Services shall be provided only for small animals such as dogs and cats.
- (4) Wet store, subject to the following conditions:
  - a. The premises shall front on an existing arterial or collector; and
  - b. The premises shall nowhere be within a radius of 200 feet from public-school property.
- (5) Wet restaurant, subject to the following conditions:
  - a. The premises shall nowhere be within a radius of 200 feet from public-school property; and
  - b. The premises shall be inside downtown or shall be an "existing heritage site" or front on any of the following "thoroughfares":
    1. East 14th ST.
    2. Expressway 77/83.
    3. FM 511 (from SH 48 to Charmaine RD).
    4. Mexico ST.
    5. Central BLVD (from Jefferson ST to FM 802).
    6. FM 802 (from Weslaco RD to Dana AVE).
    7. International BLVD (from Southmost RD to Jackson ST).
    8. Paredes Line RD (from Price RD to Boca Chica BLVD).
    9. East Elizabeth ST (from International BLVD to Ringgold RD).
    10. Billy Mitchell BLVD (from Iowa AVE to eastern end).
    11. Old Port Isabel RD (eastern side from Robin Hood DR to East Price RD).
    12. Old Port Isabel RD (western side from Columbus DR to Price RD).
    13. East 7th ST (from Expressway 77/83 to Jackson ST).
    14. East 6th ST (from Ringgold ST to Jackson ST).
    15. Southmost RD (from International BLVD to Esperanza RD).
    16. West Price RD (from Central BLVD to Barnard RD).
    17. Price RD (from Paredes Line RD to Old Alice RD).
    18. Sam Perl BLVD.
    19. Palm BLVD (from Calle Retama to railroad north of Belvedere).
    20. Boca Chica BLVD (south side from Reina Esther to Expressway 77/83).
    21. Boca Chica BLVD (north side from Reina Esther to east line of lot 11 of block B of Ebony Acres Addition).
    22. Paredes Line RD (from Old Coffee Port RD to Avenida Gregory).
    23. Old U.S. 77 (from Morrison RD to Expressway 77/83).
    24. Pablo Kisel BLVD (from Expressway 77/83 to Morrison RD).

25. Hudson BLVD (from FM 802 to Resaca Calmada).
  26. Dockberry RD (from Indiana AVE to Illinois AVE).
- (6) Bar, subject to the following conditions:
- a. The premises shall nowhere be within a radius of 400 feet from public-school property or "charity" property; and
  - b. The premises shall front on an arterial where both sides of the arterial are zoned to General Retail "H" or less restrictive classification, with such arterial being limited to any of the following:
    1. East 14th ST (from Lincoln ST to FM 802).
    2. Expressway 77/83 (from Boca Chica BLVD to McAllen RD [Morrison RD]).
    3. Boca Chica BLVD (from Expressway 77/83 to Reina Esther).
    4. Mexico ST (from Palm BLVD to eastern end).
    5. Central BLVD (from Los Ebanos BLVD to FM 802).
    6. FM 802 (from Central BLVD to Dana AVE).
    7. International BLVD (from Southmost RD to Harrison ST).
    8. Paredes Line RD (from Boca Chica BLVD to Los Ebanos BLVD).
    9. East Elizabeth ST (from International BLVD to Ringgold RD).
    10. Billy Mitchell BLVD (from Iowa AVE to eastern end).
    11. Paredes Line RD (from Old Coffee Port RD to Avenida Gregory).
    12. Hudson BLVD (from FM 802 to Resaca Calmada).
- (7) Money exchange business, subject to the condition that the premises shall be inside downtown or front on the thoroughfare of International BLVD (from Ringgold ST to Madison ST).
- (8) Retail sale/rental of goods or services, except as otherwise specified; subject to the condition that no such goods shall be located outdoors in public view.
- (9) Amusement arcade with more than five gaming devices per building, subject to all the following conditions: If the building portion of the premises is within a radius of 200 feet from a Dwelling, Apartment, or Dwelling/retail use district or if the premises abuts any such use district, then a prerequisite for the arcade shall be the issuance of a class L permit limited to landscaping, screening, lighting, parking, noise, or similar matters (exclusive of hours of operation).
- (10) Off-premises sign, subject to the following conditions:
- a. If facing a freeway, such sign shall have a state outdoor advertising sign permit;
  - b. If facing any other "state-maintained arterial," such sign shall comply with the same standards as used by the state for freeways inside a city, except that a large sign (greater than 75 square feet) shall not be erected closer than 1,000 feet from another off-premises large sign on the same side of the street and except that a small sign (equal to or less than 75 square feet) shall not be erected closer than 500 feet from another off-premises sign on the same side of the street; or
  - c. If facing any other street, such sign shall be no larger than 75 square feet, shall not be erected closer than 500 feet from another off-premises sign on the same side of the street, shall have no part of the sign higher than 16 feet above the centerline grade of the street, and shall have no artificial illumination.
- (11) Car title loan businesses, check cashing businesses, and payday advance or loan businesses, subject to the following conditions:
- a. Such businesses are registered with the City of Brownsville as required by section 22-625 of the City of Brownsville Business Code; and
  - b. Such businesses shall be located at least 1,000 feet from any lot zoned or used for residential purposes when measured from the nearest property lines.

- (12) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.

(Code 1971, app. B, § 5.1(b); Ord. No. 89-235.18, § 4, 1-17-1989; Ord. No. 89-235.19, § 1, 4-18-1989; Ord. No. 96-235.33, pts. 1, 2, 6-14-1996; Ord. No. 98-235.36, pt. 1, 2-24-1998; Ord. No. 98-235.37, pts. 1—4, 6-2-1998; Ord. No. 99-235.46, pt. 1, 8-24-1999; Ord. No. 2000-235.47, pt. 1, 11-7-2000; Ord. No. 2001-235.49, pt. 2(5.1(B)), 4-24-2001; Ord. No. 2002-235.54, pt. 1, 6-25-2002; Ord. No. 2002-235.55, pt. 1, 6-25-2002; Ord. No. 2002-235.56, pt. 1, 6-25-2002; Ord. No. 2003-235.57, pt. 2, 3-18-2003; Ord. No. 2010-1521, § 7, 1-26-2010)

**Sec. 348-344. - Prohibited uses.**

In a General Retail use district, prohibited uses are as follows:

- (1) "Bulk apparel store;" "flea market."
- (2) Sexually oriented business.

(Code 1971, app. B, § 5.1(c); Ord. No. 89-235.18, § 4, 1-17-1989; Ord. No. 89-235.19, § 1, 4-18-1989; Ord. No. 98-235.40, pt. 1, 6-23-1998; Ord. No. 2001-235.49, pt. 2(5.1(C)), 4-24-2001)

**Secs. 348-345—348-370. - Reserved.**

**DIVISION 9. - LIGHT COMMERCIAL USE DISTRICT (5C)[8]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-371. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Light Commercial use district.

(Code 1971, app. B, § 5.4; Ord. No. 89-235.18, § 3, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.4), 4-24-2001)

**Sec. 348-372. - Permitted uses.**

In a Light Commercial use district, permitted uses are as follows:

- (1) Any use or accessory use permitted in Light Retail, Medium Retail, or General Retail use district.
- (2) Miniwarehouse.

(Code 1971, app. B, § 5.4(a); Ord. No. 89-235.18, § 3, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.4(A)), 4-24-2001; Ord. No. 2016-235.84, pt. 7, 7-5-2016)

**Sec. 348-373. - Conditional uses.**

In a Light Commercial use district, conditional uses are as follows:

- (1) Carwash; outdoor sale, lease, or rental of new and/or used "passenger vehicles;" all subject to the condition that the premises shall have frontage on a state-maintained arterial or on the thoroughfare of East 14th ST, (north of Expressway 77/83).

- (2) Wholesale showroom/office, subject to the following conditions:
  - a. The use shall involve neither used or secondhand goods nor the sale or storage or handling of any goods in bulk;
  - b. Any accessory warehouse shall be attached to the showroom and shall be no larger than the showroom/office; and
  - c. Areas for loading or unloading goods via "commercial vehicles" shall be screened from public view.
- (3) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.

(Code 1971, app. B, § 5.4(b); Ord. No. 89-235.18, § 3, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.4(B)), 4-24-2001)

**Sec. 348-374. - Prohibited uses.**

In a Light Commercial use district, prohibited uses are as follows:

- (1) Bulk apparel store; flea market.
- (2) Sexually oriented business.

(Code 1971, app. B, § 5.4(C); Ord. No. 98-235.40, pt. 2, 6-23-1998; Ord. No. 2001-235.49, pt. 2(5.4(C)), 4-24-2001)

**Secs. 348-375—348-400. - Reserved.**

**DIVISION 10. - MEDIUM COMMERCIAL USE DISTRICT (6C)[9]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-401. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Medium Commercial use district.

(Code 1971, app. B, § 5.7; Ord. No. 89-235.18, § 2, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.7), 4-24-2001)

**Sec. 348-402. - Permitted uses.**

In a Medium Commercial use district, permitted uses are as follows:

- (1) Any use or accessory use permitted in a Light Retail, Medium Retail, General Retail, or Light Commercial use district.
- (2) Pressing, dry cleaning, or dyeing establishment.
- (3) Gasoline filling station; tire repair or battery shop; public garage.
- (4) Commercial amusement park; skating rink; "dancehall."
- (5) Wholesale sales office; sample room.
- (6) Penal or correctional institution.
- (7) Electroplating; galvanizing.
- (8) Job printing; newspaper printing.

- (9) Monument works.
- (10) Bus terminal; storage warehouse; bottling works; ice cream manufacture; laundry; creamery; bakery; freight terminal; truck stop; loading and storage tracks.

(Code 1971, app. B, § 5.7(a); Ord. No. 89-235.18, § 2, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.7(A)), 4-24-2001; Ord. No. 2016-235.84, pt. 8, 7-5-2016)

**Sec. 348-403. - Conditional uses.**

In a Medium Commercial use district, conditional uses are as follows:

- (1) Lumberyard; bulk apparel store; flea market; all subject to the condition that the use shall not be located within the fire limits established by the city.
- (2) Outdoor sale/rental of commercial vehicles, subject to the condition that the premises shall have at least 100 feet of frontage on any of the following thoroughfares:
  - a. East 14th ST. (north of Expressway 77/83).
  - b. Southmost Road (from East 14th ST. to Tulipan ST.).
- (3) Sexually oriented business, subject to the following conditions:
  - a. The premises shall front on a non-thoroughfare where both sides of the nonthoroughfare are zoned to Medium Commercial or less restrictive use district;
  - b. The premises shall nowhere be within a radius of 150 feet from any thoroughfare;
  - c. The premises shall nowhere be within a radius of 1,000 feet from school property, nonprofit-organization property, public park, Dwelling use district, Dwelling/retail use district, or Apartment use district;
  - d. The premises shall be completely surrounded by an entirely opaque screening fence at least eight feet high, except that the fence shall be set back six feet from any "front line of the lot" and shall have no gate or other opening through which parked vehicles or any other part of the use may be publicly visible at any time;
  - e. The premises shall have no public display of any sign, banner, flag, pennant, balloon, photograph, symbol, art, statuary, sculpture, representational architecture, neon light, fluorescent color, patterned or multicolored roof/wall/fence, or similar feature, with the following exceptions:
    - 1. One street address number, with such number being black and being no more than four inches tall; and
    - 2. One permanent on-premises sign which shall pertain to the occupancy of the building, shall not be artificially illuminated, shall have a total area per lot of not more than 0.4 square feet for each linear foot of the front line of the lot, shall be mounted flat against the required front screening fence with the top of the sign being no higher than five feet above the natural grade of the lot, shall be black and/or white, shall not directly or indirectly indicate that the nature of the use may be a sexually oriented business;
  - f. The use shall have no off-premises sign located inside this city's territorial jurisdiction;
  - g. A class W permit shall have been issued for such use; and
  - h. The conditions in this subsection shall always be applicable, even if a specific-use ordinance is approved, a zoning board application is approved, or the premises are zoned to a use district less restrictive than Medium Commercial.
- (4) Sale of mobile homes or manufactured homes, subject to the following conditions:
  - a. The premises shall front on a state-maintained arterial.
  - b. For each such home, the minimum setback from the boundaries of the premises shall be 25 feet for the front yard and ten feet for the side or rear yard.
  - c. For each such home, the minimum setback from any other such home shall be six feet.

- d. Asphalt or concrete pavement shall be installed on all areas used for parking, maneuvering, or transporting any such home.
  - e. Each such home shall be fully skirted.
  - f. If a federal tropical storm or hurricane watch or warning is issued for the county, the following preparations shall be commenced within one hour after such issuance and completed within seven hours after the initial issuance: The tongue of each such remaining home shall be turned into the forecasted peak wind and shall be dropped to the pavement or the ground.
  - g. No such home shall be more than ten years old when it enters the premises.
  - h. At least 51 percent of all mobile homes or manufactured homes on the premises shall be new.
- (5) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.

(Code 1971, app. B, § 5.7(b); Ord. No. 89-235.18, § 2, 1-17-1989; Ord. No. 98-235.40, pt. 3, 6-23-1998; Ord. No. 2000-235.48, pt. 1, 2-22-2000; Ord. No. 2001-235.49, pt. 2(5.7(B)), 4-24-2001)

**Secs. 348-404—348-430. - Reserved.**

**DIVISION 11. - LIGHT INDUSTRIAL USE DISTRICT (7C)[10]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-431. - Applicability.**

This division shall apply only to property lying wholly or partly within the boundaries of a Light Industrial use district.

(Code 1971, app. B, § 6.1; Ord. No. 89-235.18, § 1, 1-17-1989; Ord. No. 2001-235.49, pt. 2(6.1), 4-24-2001)

**Sec. 348-432. - Permitted uses.**

In a Light Industrial use district, permitted uses include any use or accessory use permitted in a Light Retail, Medium Retail, General Retail, Light Commercial, or Medium Commercial use district.

(Code 1971, app. B, § 6.1(a); Ord. No. 89-235.18, § 1, 1-17-1989; Ord. No. 2001-235.49, pt. 2(6.1(A)), 4-24-2001; Ord. No. 2016-235.84, pt. 9, 7-5-2016)

**Sec. 348-433. - Conditional uses.**

In a Light Industrial use district, conditional uses are as follows:

- (1) Sale of any goods located outdoors in public view, subject to the condition that the use shall not involve bulk storage or bulk sale.
- (2) Manufacture of any kind, subject to the following conditions:
  - a. The use shall not be listed in division 12 or 13 of this article; and

- b. The use shall not be noxious or offensive because of the emission of smoke, dust, odor, gas, fumes, noise, or vibration.

(Code 1971, app. B, § 6.1(b); Ord. No. 89-235.18, § 1, 1-17-1989; Ord. No. 2001-235.49, pt. 2(6.1(B)), 4-24-2001)

**Sec. 348-434. - Prohibited uses.**

In a Light Industrial use district, prohibited uses are any "hazardous material facility."

(Code 1971, app. B, § 6.1(c); Ord. No. 89-235.18, § 1, 1-17-1989; Ord. No. 2001-235.49, pt. 2(6.1(C)), 4-24-2001)

**Secs. 348-435—348-460. - Reserved.**

**DIVISION 12. - MEDIUM INDUSTRIAL USE DISTRICT (8C)[11]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-461. - Permitted uses.**

In a Medium Industrial use district, no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use or accessory use permitted in a General Retail, Light Commercial, Medium Commercial, or Light Industrial use district.
- (2) Ice manufacture; cold storage plant; canning or preserving plant, pickle, sauerkraut or vinegar manufacture.
- (3) Textile manufacture; flour milling; grain elevator.
- (4) Storage of or the packing of poultry and fish or the dressing or killing of poultry.
- (5) Central power or lighting plant; coal pocket or coal tar trestle; railroad yards; coal hoists; railroad roundhouse; paving plant.
- (6) Wharves, docks, piers.
- (7) Stable; veterinary hospital; disinfectant or insecticide manufacture.
- (8) Bulk storage in the open of any material except junk, scrap iron, scrap paper or rags. Loading or storage tracks; storage in bulk of or warehouse for such material as artificial stone, asphalt, brick, cement, contractor's equipment, coal, coke, cotton, cottonseed, films, feed, fertilizer, grain, gasoline, gravel, glass, grease, hay, hardware, ice, implements, iron, lead, lime, lumber, machinery, oil, paint, plaster, pipe, roofing materials, rope, sand, shop supplies, steel, stone, tar, tarred or creosoted products, terracotta, turpentine, varnish, wood or wool, provided this shall not include the storage in bulk of junk or secondhand material.
- (9) Manufacture or industrial occupation of any kind not listed in subsections (1) through (8) of this section and exclusive of any use listed as a Heavy Industrial use in section 348-491(2) through (9), inclusive.
- (10) Money exchange business.

(Code 1971, app. B, § 7; Ord. No. 88-235.16, § 2, 5-31-1988; Ord. No. 89-235.18, § 17, 1-17-1989; Ord. No. 2001-235.49, pt. 2(7), 4-24-2001)



**Secs. 348-462—348-490. - Reserved.**

**DIVISION 13. - HEAVY INDUSTRIAL USE DISTRICT (9C)[12]**

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**Sec. 348-491. - Permitted uses.**

In a Heavy Industrial use district, no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed for other than one or more of the following uses:

- (1) Any use or accessory use permitted in a General Retail, Light Commercial, Medium Commercial, Light Industrial, or Medium Industrial use district.
- (2) Stone cutting.
- (3) Carpet cleaning, cotton ginning and baling; cotton compress. Cottonseed products manufacture.
- (4) Ammonia; bleaching powder; acid or other chemical plants emitting toxic fumes carrying beyond the limits of the premises; asphalt manufacture or refining; petroleum refining.
- (5) Boiler making; structural steel plant; iron or pipe works; power forge; tank manufacture; shipyards.
- (6) Distillation of bones; fat rendering; glue manufacture; slaughter of animals; stockyards.
- (7) Storage of hides or skins; curing or tanning of hides; fertilizer manufacture.
- (8) Soap manufacture; wool scouring.
- (9) Scrap iron or junk storage; scrap paper or rag storage or baling; "automobile wrecking yard."
- (10) Any manufacture or industrial process not listed in this section, including any industrial process emitting dust, smoke, odor, gas, fumes, noise or vibration.

(Code 1971, app. B, § 8; Ord. No. 89-235.18, § 18, 1-17-1989; Ord. No. 2001-235.49, pt. 2(8), 4-24-2001)

**Secs. 348-492—348-540. - Reserved.**