

ORDINANCE NO. 38 E
BAYSIDE ZONING ORDINANCE

AN ORDINANCE TO REGULATE AND RESRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; TO REGULATE AND LIMIT THE HEIGHT OF BUILDINGS AND STRUCTURES; TO REGULATE AND DETERMINE THE AREA OF YARDS AND OTHER OPEN SPACES ABOUT BUILDINGS; TO REGULATE AND DETERMINE THE DENSITY OF USE OF LAND AND LOT AREAS, AND FOR THE SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS, TO PROVIDE FOR ITS ENFORCEMENT AND FOR A BOARD OF ADJUSTMENT; TO PROVIDE FOR CHANGES AND AMENDMENTS, TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED. BY THE CITY COUNCIL OF THE TOWN OF BAYSIDE, TEXAS THAT THE FOLLOWING PROVISIONS SHALL AND CONSTITUTE THE BAYSIDE ZONING ORDINANCE:

ARTICLE 1. TITLE

WHEREAS, the Town of Bayside, Texas is a General Law City operating pursuant to the General Laws of the State of Texas.

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the Town has the authority to adopt a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential and other purposes, and to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the City Council of the Town of Bayside, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether these changes should be granted or denied: effect on water, sewerage, schools, and other public facilities; and

WHEREAS, the City Council of the Town of Bayside, Texas, further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council of the Town of Bayside, Texas, does find that there is a public necessity for the zoning changes, that the public demands them, that the public interest clearly requires the amendments, and

WHEREAS, the City Council of the Town of Bayside, Texas, has determined that there is a necessity and need for the changes in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the tract or tracts of land requested for a change since the tract or tracts of land were originally classified and therefore feels that the respective changes in zoning for the tract or tracts of land are needed, are called for, and are in the best interest of the public at large, the citizens of the Town of Bayside, Texas, and helps promote the general health, safety and welfare of the community.

This Ordinance shall be known as the Bayside Zoning Ordinance 38 C.

ARTICLE 2. PURPOSE

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the City. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE 3. DISTRICTS AND GENERAL PROVISIONS

SECTION 3-1 Districts Established.

3-1. 01. Zoning districts as herein set forth are established. The City is hereby divided into three types of districts:

- A. R Districts –Residential
- B. B Districts -Business
- C. I Districts –Industrial

3-1. 02. The three types of districts are further divided into the following districts:

- A. FR - Farm Residential District
- B. ER - Estate Residential District
- C. R - Medium Density Residential District
- D. R-2 - Duplex Dwelling District
- E. B - General Business District
- F. Industrial District.

3-1. 03. The boundaries of the districts listed in 3-1.02 are shown on the attached District Map. The map and all markings, notations, references and other information shown on said map shall be and hereby made as much a part of this Ordinance as if said map and all notations, references and other information shown thereon were all fully set forth or described herein. The original drawing of this map, properly signed and attested, is on file with the City Secretary.

SECTION 3-2 General Provisions.

3-2. 01. Except as herein provided, the use of premises and buildings, the lot area and height of buildings in the City shall be in accordance with the minimum standards hereinafter established. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the protection of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

3-2. 02. Every building shall be on a lot. Except as provided in Section 4-8, there shall not be more than one main building on a lot.

3-2. 03. Yards, parking space or lot area required for one building or use cannot be used for another building or use; nor can the size of a lot be reduced below the requirements of this Ordinance.

3-2. 04. Utility distribution facilities and appurtenances, including water, sewer, electric, gas, telephone and cable television, may be permitted in any district, except that power generation and offices may not be located in residential districts.

3-2. 05. All land annexed to the City shall be accompanied by a proposal to zone the affected property to a base zoning district as identified in Section 3-1 unless annexed under terms of Section 4-6 or under terms of the Subdivision Ordinance or where pre-existing conditions may be considered. Such zoning district shall be appropriate for the intended final use of the property and in accordance with the General Plan. Annexed land may also be designated FR at the sole discretion of the City Council.

SECTION 3-3 MAP AMENDMENT (REZONING)

3-3. 01. Purpose: For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map shall not be amended except to confirm or acknowledge changed or changing conditions in a particular area, or to extend the boundary of an existing zoning district.

3-3. 02. Initiation of Amendments. An amendment to the Official Zoning Map may be initiated by:

- A. City Council on its own motion;
- B. The Planning Commission; or
- C. Application by property owner.

3-3.03. Approval Process. Review and Report by Planning and Zoning Commission.

- A. The Planning and Zoning commission shall review the proposed amendment to the Official Zoning Map, subject to the criteria enumerated in subsection 3-3.04 below, and give a report to the City Council on the date of the scheduled public hearing. The City Council may not enact the proposed amendment until the Commission makes its report to the City Council. If the commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. The City Council will serve as the Planning and Zoning Commission if a Commission is not appointed.
- B. Review and Report by Planning Commission. The Planning Commission will hold a public workshop and recommend approval, approval with modifications or conditions, or disapproval to the Council. The function of the Planning Commission shall be advisory only.
- C. Public Hearing and Recommendation by Planning and Zoning Commission. The City Council shall publish and mail public notice in accordance with Texas Local Government Code Chapter 211 and the Planning and Zoning Commission shall hold a public hearing and recommend approval, approval with modifications or conditions, or disapproval to the Council.
- D. City Council Action. The City Council shall publish and mail public notice in accordance with Texas Local Government Code Chapter 211 and hold a public hearing before rendering a decision on an amendment to the Official Zoning Map.
- E. Effect of Planning Commission Recommendation for Disapproval. If the Planning and Zoning Commission has recommended that the City Council disapprove a potential zoning map amendment, the amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council.
- F. Effect of Protest to Proposed Amendment. In accordance with Chapter 211.006 of the Texas Local Government Code, if a written protest that meets the conditions below is presented to the City Secretary prior to the Public Hearing for the Map Amendment, the amendment shall become effective only with the favorable vote of three-fourths of all members of the City Council. The valid protest must be written and signed by the owners of at least twenty percent (20%) of either:
 - 1. The area of the lots or land covered by the proposed change; or
 - 2. The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area.

3-3.04. Review Criteria. In determining whether to approve, approve with modifications or conditions or disapprove amendments to the Official Zoning Map, the City Council shall consider and make findings on the following matters regarding the proposed amendment:

- A. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- B. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- C. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and
- D. Availability of water and wastewater facilities suitable and adequate for the proposed use.

3-3.05. Limitation on Reapplication. If an application for rezoning is disapproved by the City Council, another application for reclassification of the same property or any portion thereof to

the same zoning district shall not be filed within a period of twelve (12) months from the date of final disapproval, unless upon initiation by the Planning Commission or City Council.

3-3. 06. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the City Council shall, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City and date under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. ____ of the Town of Bayside, Texas."

ARTICLE 4. USE OF LAND OR PREMISES

SECTION 4-1 Use Regulations Established. Land or premises in each of the following classified districts in the City may be used for the following purposes only. Except as herein provided, any other use of such land or premises in such district or districts shall be unlawful and in violation of this Ordinance.

4-1. 01. FR - Farm Residential District. The purpose of this district is to provide for low-density residential areas and to protect and conserve them; permitting only such accessory and supporting uses as are compatible with the primary purpose of one-family residential use. The district also functions as a holding district, where land is not yet developed or committed for other use. Land and premises may be used only for:

- A. One-family dwellings.
- B. Public parks, public buildings, schools and colleges.
- C. Churches.
- D. Golf courses and golf clubs, but no commercial miniature courses or driving ranges.
- E. Cultivated farm or pastureland.

4-1. 02. ER - Estate Residential District. The purpose of this district is provide a residential district with lot sizes in keeping with the established standards in certain parts of the City, but which will provide the same residential environment as the Farm Residential District. Land and premises may be used only for uses in Subsection **4-1.01**.

4-1. 03. R2 - Duplex Dwelling District. The purpose of this district is to provide for duplex uses on single lots meeting the lot area per family requirement of **Section 5-1**. In addition to the above listed uses in Subsection **4-1.01**, land and premises may be used for:

- A. Two-family dwellings.

4-1. 04. R - Residential District. The purpose of this district is providing for single-family residential development in areas where the land characteristics allow for greater density of use than FR and ER. In addition to the above listed uses in Subsection **4-1.01**, land and premises are limited to

- A. One (1) single-family dwellings.

4-1. 05. B - General Business District. The purpose of this district is to provide suitable locations for a wide variety of retail uses and other similar commercial and service activities. Dwellings for resident watchmen or caretakers employed on the premises are permitted provided they meet ARTICLE 5. Minimum Lot Areas And Widths requirements. Residential uses are permitted under the same provisions of the FR, ER, and R districts. In addition to the above listed in Subsection **4-1.01** and Subsection **4-1.03**, land and premises may be used for:

- A. Hotels / Motels

- B. Offices
 - C. Restaurants, cafes, food-catering services, stores and shops where foods, goods and merchandise are sold at retail.
 - D. Shops for servicing and repair of radio, television, electrical appliances, bicycle, lawn mower, tool rental, typewriter, reel and fishing equipment, and similar service and repair shops.
 - E. Personal service shops; such as, beauty and barbershops, shoe repair, tailoring, dressing and similar personal service shops.
 - F. Vehicle Sales, Rental or Leasing. Vehicle sales, rental or leasing, including trucks and recreational vehicles, shall be subject to the following additional standards:
 - 1. Fixed lighting shall be so arranged to prevent direct glare of beams onto any adjacent public or private property or street.
 - 2. Repairs shall be performed only within a principal building.
 - 3. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from a point six feet above ground level.
 - 4. Outdoor display of vehicles shall be set back a minimum of twenty feet (20') from all lot lines abutting residentially zoned or developed property.
 - G. Vehicular repair shops and garages. Vehicle repair facilities and body shops are permitted subject to the following conditions.
 - 1. All repairs shall be conducted within an enclosed building.
 - 2. All inoperable automobiles upon which repairs are to be conducted shall be enclosed behind a minimum six-foot screening fence.
 - 3. No vehicle body shop or repair facility shall be permitted to have bay doors facing any R district.
 - H. Printing shops, plumbing shops, air-conditioning repair shops.
 - I. Self-service storage sheds, boat storage sheds, cold storage lockers.
 - J. Dry cleaning, self-service laundries.
 - K. Car Wash. Fully automatic single-bay carwashes are permitted as an accessory use to gas stations. Multi-bay car wash facilities are permitted subject to the following conditions.
 - 1. All washing facilities shall occur under a roofed area with at least two walls.
 - 2. Vacuuming facilities may be outside the building but shall not be in the street yard and shall not be closer than fifty feet (50') from any residential district.
 - 3. The building surfaces shall be faced with masonry or other material equal in durability and appearance.
 - 4. The building shall not be less than one hundred feet (100') from any residential district.
 - 5. The building shall set back not less than fifty feet (50') from the front property line.
 - 6. All off-street parking areas shall be paved.
 - 7. Any lights used to illuminate the area shall be directed away from adjacent residential properties.
 - L. Animal Hospital and/or Veterinary Clinic (excludes commercial and non-commercial kennel). All structures shall not be located closer than fifty-five feet (55') (30 foot buffer and 25 foot setback) from any residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed.
- 4-1. 06. I - Industrial District. The purpose of this district is to provide suitable areas for industrial and commercial uses that are protected against intrusion of incompatible residential uses. In this district land and premises may be used for any purpose except that no building may be

used for dwelling, hospital, institution, hotel, motel, travel trailer or recreation vehicle park, or for any use for the permanent or temporary housing of persons; however, dwellings for resident watchmen or caretakers employed on the premises are permitted; and excepting those uses enumerated in Subsection 4-4.03 hereof, for which a special permit is required.

SECTION 4-2 Lighting.

4-2. 01. Site Lighting Design Requirements:

- A. Mounting. Fixtures shall be mounted in such a manner that the cone of light does not cross any property line of the site.
- B. Height of Fixture. The height of a fixture shall not exceed twenty feet (20').

4-2. 02. Excessive Illumination. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other lot is not permitted. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this Section, or if the standard could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

4-2. 03. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

4-2. 04. External lighting in Business districts shall be arranged and controlled so as to deflect light away from any residential district.

SECTION 4-3 Noise.

4-3. 01. Outdoor Paging Systems and Speakers. Outdoor paging systems, speakers, and remote ordering appliances shall not be located within one hundred fifty feet (150') of any residential district. This standard shall not apply to face-to-face drive-up windows where all of the following conditions exist:

- A. Cashiers and customers have direct, face-to-face contact.
- B. Drive aisles are adjacent to the primary structure.

SECTION 4-4 Certain Uses Located By Special Permits. The purpose of this section is to provide a procedure for the location of certain uses. Often uses in one location in the City would be objectionable, while the same use in another location would be acceptable, especially if the applicant agrees to comply with requirements designed to overcome objectionable features. This provision gives the Ordinance flexibility.

4-4. 01. Procedure. Uses listed in Subsection 4-4.03 may be located in certain zoning districts and under specific conditions by special permit granted by the City Council. After receiving an application for a permit, the Commission shall hold a public hearing thereon and determine the effect of such proposed use upon the neighborhood character, traffic, public utilities, schools, public safety and general welfare. The public hearing shall be conducted in the same manner as required for zoning ordinance amendments as provided in Chapter 211, Texas Statutes Local Government Code. The Commission in formulating its recommendations to the City Council may require from the applicant plans and other pertinent information concerning the application. The commission may recommend and the Council may require, in addition to the specified conditions, such reasonable development standards as deemed necessary for the protection of the immediate properties and the neighborhood of the application. Such recommendations may include utilities, drainage, landscaping, lighting, signs and advertising devices, screenings, fences; access ways, curb cuts, traffic control, height of buildings and setback of buildings.

4-4. 02. Any Special Permit shall be deemed to have expired one year from the date of granting thereof unless the premises covered thereby are actually being used pursuant to such permit one year from the date of grant thereof; provided that additional time may be granted by the Council or provisions may be made for extension of time by terms of the permit itself. Whenever the use for which a Special Permit is granted is terminated for any reason

whatsoever, the Special Permit shall be deemed to have expired. The Council may grant such Special Permit for a specified period of time.

4-4. 03. Special Permit Use. Uses for which special permits may be obtained, conditions that must be observed and districts in which they may be allowed are:

- A. Structures deemed not detrimental to the surrounding area, yet which are not specifically listed elsewhere in this Ordinance. Amusement parks, carnivals, animal shows, marine life shows, dance pavilions, natatoriums, roller skating rinks, miniature golf courses, driving ranges and similar enterprises, in a B or I District only. (If temporary for fifteen (15) days or less, zoning changes are not required).
- B. Child nurseries or pre-kindergarten schools in any district, except an I District, provided State licensing requirements are met.
- C. Dog kennels (noncommercial or commercial) are permitted in a B District, provided:
 - 1. Any person conducting, managing, owning, or maintaining a commercial animal establishment must have a valid permit for said establishment.
 - 2. Two copies of plans for animal establishments shall submitted to the City; one of which is to be retained by the City, and must contain the following information:
 - 3. Site plan
 - 4. Floor, wall and ceiling schedules
 - 5. Mechanical drawings
 - 6. Plumbing illustration
 - 7. Electrical illustration
 - 8. Equipment list with specifications
 - 9. Name, address and phone number of owner and/or architect.
 - 10. Plumbing and the electrical service should be designed to meet the City Building codes.
 - 11. All plans for construction and design of commercial animal establishments shall be submitted to and approved by the Refugio County Health District and Animal Control before any building permit is issued or any construction is begun.
 - 12. Dog kennels (noncommercial or commercial) are permitted in the B zoning districts provided that the applicant has a minimum of five (5) acres and can locate the kennel at least two hundred feet (200') from side and rear property lines. Kennels are required to be located at least two hundred feet (200') from any residential district.
 - 13. All animals in kennels (noncommercial or commercial) must be placed in an indoor facility from 8:00 pm. to 8:00 am. to reduce the noise level.
 - 14. The expiration date on the rabies certificate must be dated November 1 of the license year or later. All applications are reviewed by Animal Control and may be deemed invalid if the kennel does not meet the standards set forth by Refugio County and Texas State Law.
- D. Junk yards in an I District, provided that the property is surrounded with an eight-foot (8') high screening fence and the material not be piled higher than the fence and that vermin be controlled.
- E. Radio, television or communications tower in a B or I District, provided Federal Aviation Administration permit is first obtained.
- F. Bed and Breakfast.
 - 1. It is unlawful for any person to operate or maintain a bed and breakfast business in the Town of Bayside, except in compliance with this ordinance. A bed and breakfast shall be subject to the following standards:
 - a) A maximum of ten guest rooms shall be provided in any one bed and breakfast establishment.

- b) No food preparation, except beverages, is allowed within individual guest rooms. Meal service shall be provided to overnight guests only. The only meal to be provided to guests shall be morning breakfast, and this meal shall only be served to guests lodging at the facility.
 - c) Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas and the City.
 - d) Primary entrance to all guest rooms must be from within the dwelling unit.
 - e) Guests are limited to a length of stay not exceeding thirty (30) consecutive days.
 - f) Commercial activities, in addition to overnight lodging, shall not be conducted on the site, including, but not limited to, luncheons, banquets, parties, weddings, meetings, charitable fund raising, or sales events.
 - g) Off-street parking, sufficient to handle all guests and owner vehicles, shall be provided.
2. A bed and breakfast located in a residential district shall be subject to the following additional standards:
- a) The operator of the Bed and Breakfast shall be a full-time resident of the dwelling in which the Bed and Breakfast establishment is housed.
 - b) A maximum of six guest rooms shall be provided in any one bed and breakfast establishment.
 - c) No exterior evidence of the bed and breakfast shall be allowed, except for one attached sign meeting requirements in the City Sign Ordinance.

4-4. 04. Conditional Use Permit. A Conditional Use Permit requires no public hearing. Approval of a conditional use permit requires the submittal of an application form, construction plans, and payment of filing fees. Conditional use permits are permanent approvals and must be transferred automatically to future property owners of the site.

A. Permanent Accessory Buildings With No Main Structure.

- 1. Vacant Property. Storage building less than two hundred (200) square feet on lot/lots with no main structure may not be erected without a Conditional Use Permit.
- 2. Permanent detached accessory buildings with no main structure on a lot that has not been combined as combined lots shall have a maximum floor area of no more than two hundred (200) square feet unless a larger size is approved by the City Council by means of a Conditional Use Permit which requires that building shall not be used as a dwelling or have a separate electrical meter, water meter or sewer connection unless it has a minimum floor area of one thousand (1,000) square feet. Prior to the issuance of a permit, the applicant shall enter into an agreement with the City as a condition of the Conditional Use Permit approval, stating that in the event the building is used for habitable purposes, the building shall be brought into conformance with the current Building and Zoning Codes. .

B. All permanent structures built on combined lots must meet setbacks for a single lot unless approved by the City Council by means of a Conditional Use Permit. Combined lots under terms of subsection 5-1.04 with structures not meeting setbacks may not, in any case, be leased or sold without building in compliance with all setback requirements.

C. Welding shops in a B or I District. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from a point six feet above ground level.

SECTION 4-5 Prohibited Uses.

4-5. 01. Uses Not Permitted. Uses determined by the City Council, City Official or Fire Marshall to constitute a hazard, danger, or nuisance to the public because of noise, odor, glare, particulate matter, traffic impediments, or similar reasons, including the storage of hazardous

materials (as defined by the National Fire Protection Association Guide or any successor publication thereto officially used by the City Official) shall not be permitted. Any person requesting approval of the storage or use of hazardous materials shall be required to submit to the City Council a hazardous material declaration. The declaration shall contain information regarding the type and quantities of hazardous materials that will be utilized. The declaration shall contain sufficient information for the City Council to determine if the proposed storage and use of the chemicals is consistent with the requirements of this ordinance.

4-5. 02. Other Uses, Structures, or Improvements Not Permitted. The following uses are considered noxious and/or inappropriate and are therefore not permitted within the City limits:

- A. Battery manufacturing or recycling.
- B. Concrete and asphalt batch plants.
- C. Intensive agriculture and animal husbandry.
- D. Meatpacking.
- E. Fireworks retail or wholesale.
- F. Refining and terminal storage.
- G. Plastics manufacturing.
- H. Pulp and paper manufacturing.
- I. Rubber manufacturing.
- J. Tanneries.
- K. Temporary buildings and structures except those described in Subsection 4-8.03.
- L. Toxic waste storage or disposal.
- M. Vehicle recycling and reclamation yards.

SECTION 4-6 Large Scale Residential Development. The purpose of this section is to encourage creative approaches for better quality and lower cost residential developments by permitting reasonable modifications of the standard zoning and subdivision regulations in a completely planned development.

4-6. 01. Plan Submission. The owner or owners of a contiguous tract of three acres or more may submit a plan to the Council showing in detail the manner in which the land is to be used, the location, size, character and appearance of buildings or manufactured housing, and provisions of traffic circulation, off- street parking, service areas, landscaping, etc. The plan shall comply with applicable procedures of the Subdivision Ordinance or Manufactured Housing Ordinance.

SECTION 4-7 Non-Conforming Uses Regulated .The purpose of this section is to make the Ordinance more workable, legal and not to impose unnecessary hardships on individuals who have established certain uses before the enactment of the Zoning Ordinance. Certain privileges are accorded such uses. It is the long-range objective, however, that such uses will ultimately be eliminated by attrition or other means.

4-7. 01. Non-Conforming Uses Established. The lawful use of land or a building existing at the time of passage of this Ordinance or any amendment thereto may be continued, although such use does not conform to all the provisions of this Ordinance, except as hereinafter provided.

4-7. 02. Non-Conforming Uses May Be Changed. A non-conforming use of a building or structure may be changed to another non-conforming use of the same or of a higher classification provided no structural alterations are made in the building. If the use is changed to a higher classification or to a conforming use, it cannot be changed back to the original non-conforming use. For the purposes of this paragraph, the "same classification" means uses permitted in the same District with a prior listing in this Ordinance.

- 4-7. 03. Discontinuance of a Non-Conforming Use. If a non-conforming use of a building or premises is discontinued for a period of one year or more, the use of such building or premises then must conform to the use regulations of the District in which it is located.
- 4-7. 04. Damage to Non-Conforming Use. No building or structure which has been damaged by any cause whatsoever to the extent of more than fifty percent (50%) of the fair market value of the building immediately prior to the damage, shall be restored except in conformity with the regulations of this Ordinance, and all rights as a non-conforming use are terminated. If a building or structure is damaged by less than fifty percent (50%) of its fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.
- 4-7. 05. Enlargement of Non-Conforming Use. Except for industrial uses in B Districts, a non-conforming use cannot be enlarged, extended, reconstructed or structurally altered unless changed to a conforming use.
- 4-7. 06. Existing Special Permit Uses Not Non-Conforming. Existing uses of the types eligible for special permits under Section 4-4 shall be conforming uses and shall receive a special permit for the existing use from the City Council upon request. A special permit shall be required for any enlargement or addition.
- 4-7. 07. Intermittent and Illegal Uses. The occasional, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot. Passage of this ordinance in no way legalizes any illegal use existing at the time of its adoption.
- 4-7. 08. Discontinuance of Non-Conforming Uses.
- A. Where a premise in any R District is used for open storage, such uses must be discontinued and the stored material removed within two (2) years after the effective date of this Ordinance.
 - B. The nonconforming use of building, structure, or land that has been abandoned, shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:
 - 1. The intent of the owner to discontinue the use is apparent; or
 - 2. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year; or
 - 3. A nonconforming building, structure, or land, or portion thereof, which is, or hereafter, becomes vacant and remains unoccupied for a period of one (1) year; or
 - 4. A nonconforming use has been replaced by a conforming use.
- 4-7. 09. All non-conforming uses and structures shall be brought into conformance in five (5) years from date of passage of this Ordinance; council may review annual extensions for five (5) additional years as related to the use, considering such things as investment, use, surrounding area and other factors. Where the enforcement of this section would impose an undue hardship on any property owner, said property owner shall have the right to appeal for relief to the City Council.

SECTION 4-8 Accessory Uses and Buildings Regulated. It is the purpose of this section to permit certain necessary or desirable auxiliary or incidental uses along with the primary use of a building or premises, thus permitting the full enjoyment of such primary use, but at the same time preventing such incidental uses from becoming objectionable or "out of hand" where they would be a detriment to the neighborhood.

4-8. 01. It is unlawful for any person to construct or replace an accessory building in the Town of Bayside, except in conformance with this ordinance.

4-8. 02. No accessory building may be erected without a building permit.

4-8. 03. "Accessory buildings and uses" may include, but are not limited to, the following:

- A. Home occupations;
- B. Storage buildings, wash houses, hobby rooms, and utility sheds;
- C. Signs;
- D. Wells and well houses;
- E. Private garages;
- F. Decks and gazebos;
- G. Animal enclosures and pens;
- H. Off-street loading areas;
- I. Private greenhouses;
- J. Private swimming pool and/or tennis court;
- K. Storage of merchandise in business and industrial districts;
- L. Cultivation, storage and sale of crops, hay, vegetables, plants and flowers produced on the premises.

4-8. 04. An accessory building may be erected as an integral part of the principle building or erected detached from the principal building and it may be connected therewith by a breezeway or similar structure.

4-8. 05. Accessory buildings attached to the main building are considered additions and shall be made structurally a part of and have a common wall with the principal building and shall comply in all respects with the requirements of this ordinance and the building ordinance applicable to the main building.

4-8. 06. No accessory building shall be used for dwelling purposes.

4-8. 07. Accessory uses and accessory buildings shall only be erected on the same lot/lots as the main structure. Such accessory buildings may be constructed to coincide with the construction of the main structure but in no case shall they be constructed without a main structure except those described in 4-8.08 of this Section.

4-8. 08. Storage building with no main structure shall be subject to the following limitations:

- A. One storage building with a maximum of two hundred (200) square feet with no utilities connected may be erected on lot/lots with no main building with a conditional use permit under terms of subsection 4-4.04.
- B. Storage building must be properly tied down according to windstorm and building codes.
- C. Such accessory buildings shall conform to all yard, open space and off street parking requirements.

4-8. 09. In R Districts accessory uses permitted as follows:

- A. Private garages and washhouses.
- B. Home occupations. Home occupations accessory to residential use shall be subject to the following limitations:
 - 1. The home occupation shall be conducted entirely within a dwelling unit or garage that is the bona fide residence of the practitioner.
 - 2. No person other than a family member who resides in the dwelling unit participates in the home occupation on the premises.
 - 3. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with non-residential construction codes to accommodate the home occupation. No additional buildings or structures shall be added on the property to accommodate the home occupation. No outdoor storage or separate entrance shall be permitted.

4. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
5. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run off outside the dwelling unit or on the property surrounding the dwelling unit.
6. The home occupation shall be conducted in such a manner that it does not create parking or traffic congestion in greater volume than would normally be expected in a residential area. No on street parking of business-related vehicles shall be permitted at any time.
- C. Commercial repair of automobiles or engines and appliance repair shall not be permitted and storage of these items shall not be allowed on the premises.
- D. Vegetable and flower gardens, non-commercial greenhouses with transparent or translucent roof and/or wall panels. Greenhouses shall not to exceed fifteen feet (15') in width or fifteen feet (15') in height and must be less than three hundred (300) square feet. Detached greenhouses shall be permitted provided that they are placed on the premises of the main building. Greenhouse on-site sales are prohibited.
- E. Raising and keeping small animals and fowls, but not on a commercial basis.
- F. Tennis courts, swimming pools, garden houses, pergolas, ornamental gates, pump houses, barbecue ovens, fireplaces and similar uses customarily accessory to residential uses.
- G. Portable storage buildings of proper construction that are tied down.
- H. Roadside Stands. Limited sales of farm produced products may be conducted from a temporary roadside stand for the sale of agricultural products grown on the premises provided:
 1. The stand is not within any setback area and such stand shall not exceed twelve feet (12') in height or four hundred (400) square feet in floor area.
 2. All roadside stands shall be portable and stored back of the setback building line at the conclusion of seasonal sales of agricultural products.
 3. During the period of the use of such structure for seasonal sales, such stand shall not be located so as to cause congestion on the highway, and no more than two unlighted signs, each not more than twenty (20) square feet in area, may be affixed to such stand.
 4. Any such signs as are permitted herein shall not obstruct traffic or the clear vision thereof.
 5. Such stand shall be located only upon the premises where the agricultural products offered for sale are produced, and no more than one such roadside stand shall be so located on such premises.
 6. The stand shall be a minimum of fifty feet (50') from the street right-of-way and all building codes apply.
- I. Accessory Dwelling Units. An accessory dwelling unit is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. Accessory units may not be subdivided or otherwise segregated in ownership from the primary residence structure. These accessory living structures shall not, in any case, be leased or sold or have a separate electrical meter, water meter or sewer connection. Manufactured homes, travel trailers, and recreational vehicles are not allowed as accessory dwelling units. Accessory Dwelling Units will be classified as the following:
 1. Guest Dwelling Unit. A guest or servant quarters is permitted in a residential district for the sole use and occupancy of a member of the immediate family, guest, or of a person

or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities. No Guest Dwelling Unit may be erected without a building permit. It is unlawful for any person to construct an accessory dwelling except in conformance with the following requirements:

- a) Servant's quarters or guest quarters attached or detached from the primary residential unit must meet all setback and building code regulations and utilities must be connected to the main building. Size requirements shall be not less than three hundred (300) square feet living area or more than six hundred (600) square feet.
 - b) No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant.
 - c) Only one (1) accessory dwelling unit, including a garage accessory dwelling, servants/caretakers quarters, shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. Guest or servant dwellings may not, in any case, be leased or sold without a main building or have a separate electrical meter, water meter or sewer connection.
2. Accessory Apartment Unit. Accessory apartments may be allowed as an accessory use in the Residential District and dwellings in Business Districts by Permit. Permit fees will be set by the City Council and may be adjusted annually. The City Council may grant a special permit for the provision of one (1) accessory apartment in an existing single-family dwelling. A building permit is required after the accessory apartment permit is granted. A lot occupied with a duplex is not eligible to also have an accessory apartment. No portion of an Accessory Apartment shall extend beyond the building front of the existing single-family dwelling. No Accessory Apartment Unit may be erected without a building permit. It is unlawful for any person to construct, lease, or let out a detached accessory apartment except in conformance with the following requirements:
- a) The owner of the property subject to the permit shall reside on the property throughout the duration of the permit. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the detached accessory apartment as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit.
 - b) The lot on which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district. The accessory apartment shall be clearly a subordinate part of the single-family dwelling. It shall not have more than two (2) bedrooms. There shall be no more than one (1) accessory apartment within any single-family structure. In no case shall the gross floor area of a detached accessory apartment unit be more than six hundred (600) square feet or less than three hundred (300) square feet. The accessory apartment must not require a variance to any building setback, height, or maximum impervious surface standard established in this ordinance.
 - c) The apartment shall be re-inspected annually. The City Official shall certify that the means of water supply and sanitary disposal shall be adequate to support both dwelling units. The construction of any detached accessory apartment must be in conformity with the Town of Bayside Building Code requirements.
 - d) The apartment shall have its own outside access convenient to the parking area and vehicular and pedestrian access to the lot. At least two off-street parking spaces per

dwelling unit shall be available for use by the owner-occupant(s) and tenant(s). A separate driveway shall be allowed for the apartment.

- e) The apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit. The apartment must contain its own toilet, bathtub or shower, and kitchen facilities. The accessory apartment shall be designed so that the appearance of the building remains that of a single-family residence as much as feasibly possible. In general, any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform with the single-family character of the neighborhood. There shall be no enlargements or extensions of the detached accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
- f) An accessory apartment unit shall not, in any case, be leased or sold without a main building or have a separate electrical meter, water meter or sewer connection. The accessory apartment may not be located in, or above a storeroom, workshop or other accessory building, excluding a private garage.
- g) After approval, the City shall provide notice of the registration of the accessory unit to owners of property within two hundred feet (200') of the registered site. The notice shall state that the unit complies with the standards of this section and that it must pass inspections. No hearing will be scheduled unless requested from a property owner that received notice.
- h) Affidavit. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the apartment. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the accessory apartment unit, paying a reauthorization fee of one hundred dollars (\$100.00).
- i) The registration form or other forms as required by the City shall be filed as a deed restriction with the County Department of Records to indicate the presence of the accessory apartment unit, the requirement of owner occupancy, and other standards for maintaining the unit as described above. The registration shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal of improvements added to convert the premises to an accessory apartment unit and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.
- j) In addition to the conditions which may be imposed by the City, all accessory apartment units shall also be subject to the condition that such a permit shall automatically expire whenever:
 - i) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by the City Official; or
 - ii) The subject lot ceases to maintain required off-street parking spaces; or
 - iii) The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

4-8. 10. In the B and I Districts, there may be any accessory use.

4-8. 11. Temporary buildings used for construction offices are permitted in any district as accessory building only during the course of construction with a one (1) year time limit.

4-8. 12. Shipping containers as defined shall not be allowed in any District.

ARTICLE 5. MINIMUM LOT AREAS AND WIDTHS.

The purpose of regulating lot areas and lot sizes is to control the density of population and to achieve the degree of openness and livability desired for the community and, at the same time, permit reasonable and economic use of property.

SECTION 5-1 Lot Width, Lot Area and Lot Area Per Dwelling Unit and Minimum Floor Area. Minimum Established.

DISTRICT	LOT WIDTH (FT)	MINIMUM LOT AREA (SQ. FT.)	LOT AREA PER FAMILY (SQ. FT.)		MINIMUM FLOOR AREA (SQ. FT.)
			ONE-FAMILY	TWO-FAMILY	
FR	75	11,250	11,250	22,500	600
ER	75	11,250	11,250	22,500	600
R	50	6,250	6,250	12,500	600
R2	50	6,250	6,250	12,500	600
B	50	6,250			500
B, I CARETAKER	100	12,500			1,250

5-1. 01. Unsewered Lots. In areas where connection to the City's sewage collection system is not available in accordance with the City sewer Ordinance, the lot size shall be determined in accordance with the requirements of the Refugio County and State of Texas regulations. This is allowable building site if engineered septic system and Health Department approved. Required area shall automatically reduce if Public Sewer becomes available.

5-1. 02. Lot area per family requirements shall not apply to dormitories, retirement homes, nursing homes or similar group quarters where no cooking facilities are provided in individual rooms or apartments.

5-1. 03. Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be enlarged.

5-1. 04. Development Across Multiple Lots.

- A. For redevelopment containing more than two lots and having structures constructed across platted lot lines, the original lot lines shall be respected through building articulation.
 1. There shall be a break in the building and roof planes at each original lot line, which shall be equal to or greater than the combined side yard setbacks that would be required for each lot.
 2. Both the width and depth of the break shall be equal to or greater than the dimension of the combined side yard setbacks.
- B. Combined Lots or Parcels. Upon approval of the City Council, lots/parcels may be deed restricted to combine lots to form one building lot. In such cases, the designated lots/parcels shall be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the Refugio County Recorder before a building permit may be issued. If combined lots/parcels have two or more different zoning designations, the uses and regulations of the most restrictive zone will apply. Once two or more Lots have been so combined to form a combined Lot, they shall remain as such and the Owner thereof shall not be permitted at any time to rent, sell or otherwise transfer or convey less than all of such Combined Lot.

SECTION 5-2 Platted Lots Existing at the Time of Passage of this Ordinance. On any platted lots separately owned at the time of the passage of this Ordinance containing less than the square feet required by the District in which it is located, a one-family dwelling may be erected provided the required yard regulations are observed and written approval of the Refugio County Health

Department is obtained prior to construction commencing if not connected to City sewer system. Where two or more adjoining lots are under the same ownership, only one one-family dwelling or other permitted use may be built on a one hundred foot (100') width. All existing setback requirements apply per lot if more than one one-family dwelling is built. Structures that are built on one lot must meet all setback requirements of one lot.

SECTION 5-3 Land Not Platted. Land not platted into individual lots inside the City limits or extraterritorial jurisdiction or outside any ETJ that connects to the City utilities must be platted and meet the FR minimum lot area and meet all requirements of the Town of Bayside Subdivision Ordinance before a building permit can be issued. The plat must have City approval before the plat can be recorded at the courthouse and the new lots sold.

ARTICLE 6. YARD REGULATIONS

SECTION 6-1 Yard regulations are for the purpose of providing open spaces around buildings for light and air, for safety from fire and to provide a degree of orderliness in the location of building in various districts.

SECTION 6-2 Minimum Yard Regulations Established.

6-2. 01. Front Yards. In all R Districts, there shall be a front yard of at least twenty-five feet (25').

In the B and I District, there shall be a front yard of at least twenty feet (20').

6-2. 02. Side Yards. In all Districts, there shall be a minimum side yard of five feet (5') on one side of the building and a minimum side yard of eight feet (8') on the opposite side of the building. A side yard adjacent to a side street shall not be less than fifteen feet (15').

6-2. 03. Rear Yards. In all R Districts, there shall be a minimum rear yard of twenty feet (20'). In B and I Districts, there shall be a minimum rear yard of five feet (5').

6-2. 04. Sight triangle requirements on corner lots at street intersections are required in all districts.

SECTION 6-3 General Rules For Yards To Be Observed.

6-3. 01. Where a lot in a B or I District sides or abuts an R District, the front, side or rear yard requirements in an R District must be provided along the boundary line, but shall not be less than ten feet (10').

6-3. 02. Dwelling uses, except hotels and motels, located in B Districts must provide the yards required in the R Districts.

6-3. 03. Those parts of existing buildings that violate yard regulations may be repaired or remodeled, but not reconstructed or structurally altered.

6-3. 04. Churches, public buildings and institutions, when located in an R District, shall provide front, side and rear yards of twenty-five feet (25').

6-3. 05. Sight Triangle Regulations.

A. Sight Distance Obstruction - Public Nuisance.

1. On any corner lot on which a front, rear or side yard is required, nothing shall be erected, placed, planted or allowed to grow over three feet (3') in the sight triangle in such a manner as to materially impede vision.

2. Any object or objects that interfere with the ability of motor vehicle operators or pedestrians to adequately view traffic or control devices for the purpose of safe and proper use of public rights-of-way; such objects shall include, but not be limited to; walls, fences, hedges, shrubs, trees, signs, benches, vehicles and other such objects extending more than three feet above street grade; A sight distance obstruction is hereby declared by the City Council to be a safety hazard and thereby a public nuisance.

a) Exempted shall be permanent buildings built prior to the effective date of this Ordinance.

- b) The provisions of Section 4-7 of this Ordinance concerning "Nonconforming Uses and Buildings" shall not apply to "Sight Distance Obstructions."
3. It shall be unlawful for any person who is an owner, occupant or other person in charge of any lot, block or parcel of land on which a sight distance obstruction exists to fail to remove such an obstruction within the time and manner prescribed by a "Notice of Abatement" duly served on such person as provided below.
4. Exceptions. This section shall not apply to:
- a) Public utility poles;
 - b) Chain link and wire fences that meet requirements of the City Fence Ordinance;
 - c) Existing trees are grandfathered provided they have a diameter of two inches (2") and/or a circumference of eight inches (8") or more at four and one-half feet (4-1/2') above grade trimmed (to the trunk) to a line at least eight feet (8') above the level of the intersection but no limbs can hang below eight feet (8'). All trees hereafter grown after the passage of this Ordinance in violation of the provisions of this Section are public nuisances.
 - d) Official warning signs or signals; or
 - e) Signs mounted ten feet (10') or more above the ground and whose supports are not located in the sight triangle or constitute an obstruction as defined in this section.
- B. Abatement of sight distance obstruction--Notice required. If any owner, occupant, or person in charge of any lot, block or parcel of land within the City fails to remove a sight distance obstruction after being notified as required in Section 13-3 or fails to request a hearing, the City Official may direct that the sight distance obstruction be removed by an employee or subcontractor of the City and charge the total cost thereof to such owner, occupant or person in charge of such lot, block or parcel of land together with an additional administrative cost for inspection and other incidentals.
- C. Abatement by City--Collection of cost.
- 1. In the event a sight distance obstruction is removed by order of the administrative authority of the City, the total cost of removing such sight distance obstruction shall be paid to the City secretary within thirty (30) days after mailing by the City secretary to the owner of such lot, block or parcel of land by certified and first class mail, notice of assessment of such cost.
 - 2. Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such property.
- D. Immediate hazard. If the administrative authority determines that a particular "site distance obstruction" constitutes an imminent danger such obstruction may be removed immediately and prior to the notice period provided in Subsection B. Notice, however, shall be provided as soon as practicable and the persons in interest shall have a right to request a hearing as provided in Section 13-3 within thirty (30) days of such notice.
- E. Penalty. Any person who violates any of the provisions of this Section is guilty of a violation of this Ordinance and shall be punished as provided in ARTICLE 13.
- 6-3. 06. Placement of landscaping or materials in City right of way or on or over utility structures including storm drains, electrical transformers, utility meters, street lights, mailboxes, etc. is not allowed. No planting or storage is allowed within City easements or a utility or drainage easement. The City may at any time require such landscaping to be removed and the City shall not be held responsible or liable for any damages due to such removal. No planters or other permanent structures may be placed within the right-of-way.
- 6-3. 07. Where a garage is entered from an alley, it must be kept at least ten feet (10') from the property line.

6-3. 08. Eave and roof extensions may project into the required front and rear yard for a distance not to exceed four feet (4'). Eave and roof extensions may project into the required side yard for a distance not to exceed two feet (2').

6-3. 09. Accessory Buildings And Uses Yard Requirements.

- A. Attached accessory buildings, porches, landings, patios, decks and additions are deemed a part of the main building and require the same yard space as the main building. Detached accessory buildings or structures and uses must be located in the area defined as the rear or side yard provided they meet all setback regulations.
- B. Front yards shall be used only for landscaping, sidewalks and walkways, light standards and driveways necessary for access to the parking area. Detached private garages that have a minimum floor area of two hundred forty (240) square feet, carports, decks, landings and patios are allowed in front yards provided they meet all required front and side yard setbacks.
- C. Maximum impervious surface coverage of all accessory buildings, storage buildings, decks, patios, unattached garages, etc. may not exceed fifty percent (50%) of required rear yard.
- D. Maximum impervious surface coverage of all driveways, walks, patios, etc. may not exceed fifty percent (50%) of required front yard.
- E. The location of accessory buildings having a total floor area greater than one hundred twenty (120) square feet or a building height of greater than fifteen feet (15') shall be located in compliance with the required rear yard setback.
- F. Patios and Decks.
 - 1. For the purpose of determining location on a lot, a deck is considered an accessory structure. Decks are required to have building permits before construction.
 - 2. The floor of the deck may not be higher than the main structure.
 - 3. Decks having a maximum height of thirty-six inches (36") shall comply with the setback requirements for accessory structures.
 - 4. Decks over thirty-six inches (36") in height shall comply with the setback requirements for principal buildings.
 - 5. A patio structure below or at grade is not deemed to be a deck or porch is permitted in any required yard but shall be set back at least five feet (5') from all property lines and shall not require a building permit. Any other patio or similar structure constructed above natural grade requires a building permit.
 - 6. Guardrails shall be thirty-six inches (36") minimum in height. Railings, posts and/or walls shall not exceed forty-eight inches (48") in height above the decks.
 - 7. A deck constructed of wood shall be of natural wood or pressure-treated lumber that is rot-resistant and in conformance with the Building Code.
- G. Accessory structures shall be considered a part of the principal building when the distance between structures is solidly covered by a breezeway, portico, or similar architectural device at least four feet (4') in width.
- H. Accessory buildings that are smaller than twenty (20) square feet, such as playhouses and doghouses, are exempt from building permit and zoning setback requirements.
- I. Accessory structures in non-residential districts shall be subject to the same front yard, side yard, and rear yard setback requirements as the main building.

SECTION 6-4 Minimum Setback Requirements.

6-4. 01. Minimum Residential Setback Requirements:

- A. Minimum Front Yard Setback. The minimum front yard setback for properties in the Residential District shall not be less than twenty-five feet (25') from the front lot line.
- B. Minimum Rear Yard Setback.

1. The minimum rear yard setback for properties in the Residential District shall not be less than twenty feet (20') from the rear lot line.
2. Accessory structures shall not be closer than five feet (5') from the rear lot line. If adjacent to a rear street the rear yard setback shall not be less than fifteen feet (15').
- C. Minimum Side Yard Setback.
 1. The minimum side yard setback for properties in the Residential District shall be as follows:
 - a) Principal structures and accessory structures shall not be closer than five feet (5') from one side lot line and shall not be closer than eight feet (8') from the opposite side lot line.
 - b) If adjacent to a side street the side yard setback shall not be less than fifteen feet (15').
- D. Setback from Buildings. Accessory buildings or structures shall be at least five feet (5') from the main building and any other accessory building or structure on the lot.
- E. Uncovered steps and handicap ramps giving access to the first floor and fire escapes may project into any yard setback but shall not exceed ten feet (10') nor be closer than five feet (5') to any lot line.

6-4. 02. Minimum Non-Residential Setback Requirements:

- A. Front yard setback: twenty feet (20').
- B. Principal structures and accessory structures shall not be closer than five feet (5') from one side lot line and shall not be closer than eight feet (8') from the opposite side lot line. If adjacent to a side street the side yard setback shall not be less than fifteen feet (15').
- C. Rear yard setback: Ten feet (10').
- D. Off-street parking lots and loading areas shall be setback at least a minimum of ten feet (10') from the front and rear lot lines and shall be set back five feet (5') from the side lot lines unless joint parking facilities are shared by adjoining uses.

SECTION 6-5 Easements. No accessory building or structure shall be located within a utility easement, except movable accessory buildings or structures upon approval of the City Council and Public Utilities and issuance of a Special Permit, provided that:

- 6-5. 01.** The building or structure shall be constructed on skids and anchored down as required by the Building Code;
- 6-5. 02.** The building or structure shall not exceed one hundred twenty (120) square feet in gross floor area; and
- 6-5. 03.** The building or structure shall be removed by the property owner if required for the construction, repair, or maintenance of a utility.

ARTICLE 7. HEIGHT REGULATIONS

The purpose of height regulations is to control the height of structures, to aid in the control of population density, and to provide for fire protection.

SECTION 7-1 Building Shall Not Exceed The Following Height Limits (Except As Provided In Section 7-2):

- 7-1. 01.** In the FR, ER and R Districts, thirty-five feet (35') and accessory buildings fifteen feet (15'), excluding private garages. Detached private garages may not be higher than the main structure.
- 7-1. 02.** In the B and I Districts, forty-five feet (45'), except single-family dwellings shall conform to Subsection 7-1.01.

SECTION 7-2 Height Limits May Be Exceeded As Follows:

- 7-2. 01.** Chimneys; church steeples, cooling towers, elevated bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, spires,

communication, television or radio towers, electric or telephone poles and lines are exempt from height regulations.

7-2. 02. The above-unrestricted heights are subject to height limitations and permits required by the Federal Aviation Agency.

ARTICLE 8. OFF-STREET PARKING FOR VEHICLES

The purpose of this section is to provide parking spaces for vehicles so as to prevent congestion in streets and to facilitate fire and police protection.

SECTION 8-1 Off-Street Parking Spaces.

8-1. 01. Residential Parking. Whenever a structure is erected or converted for single family or multiple family dwelling units, two (2) off-street parking spaces shall be provided on the lot for each dwelling unit in the structure. Driveways may be used for parking spaces for single-family dwellings.

8-1. 02. Commercial Parking and Unloading.

A. Off-Street Commercial Parking Spaces Shall Be Provided As Follows:

1. Private clubs and lodges shall provide off-street parking space in a ratio of one (1) space for each one hundred (100) square feet of floor area in the lodge or club, exclusive of storage area.
2. Places of assembly shall provide off-street parking space on the lot sufficient to accommodate one (1) automobile for each four (4) seats.
3. Churches shall provide one (1) off-street parking space for each six (6) seats.
4. Schools shall provide one off-street parking space for each fifteen (15) students plus one (1) each for each teacher.
5. Hospitals shall provide off-street parking space on the lot sufficient to accommodate one (1) automobile for each five (5) beds.
6. Clinics shall provide off street parking at a ratio of one (1) space far each two hundred and fifty (250) square feet of floor space within the structures but in no case shall less than five (5) off-street parking spaces be provided.
7. Rooming and lodging houses shall provide off-street parking space at the ratio of one (1) space for each guest for which accommodations are provided.
8. Condominiums, townhouses, and apartments shall provide two (2) off-street parking spaces for each unit in the building.
9. There shall be one space for each bedroom unit, plus one additional space for each four patron seats of facilities open to the non-resident public, plus one space for each two hundred (200) square feet of display ballroom area. Egress and ingress must be provided from a main street. Five percent (5%) of the square footage of the motel site must be left free of structure to be used for beautification.
10. For All Commercial Uses, except those above specified, when located In a B or I District, there shall be one space for each two hundred (200) square feet of floor area.

- B. Off street parking spaces in front of a building in the B and I Districts are permitted only if the building is set back sufficiently to provide parking and maneuvering space inside the property line with entrance and exit driveways approved by the City Council.
- C. The required spaces may be provided on a separate lot if within three hundred feet (300') of the building or two or more owners may join together in providing parking space requirements for their respective uses; provided such space is sufficient to meet the combined parking requirements of all such owners joining together and a written agreement with all requirements is approved by the city council.

- D. Access. Required parking spaces shall not have direct access to a street or highway. On-site driveways shall provide access to required parking spaces. Off street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
- E. Use of Required Parking Spaces. Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for storage of trash dumpsters, the display of goods for sale or lease, for motor vehicle repair or service work of any kind, storage of vehicles, boats, motor homes, campers, or building materials, or for display or storage of vehicles for lease, sale or rent.
- F. No Use of Public Right-of-Way. At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.

8-1. 03. Existing buildings not complying with the off-street parking requirements may be remodeled and structurally altered, but any enlargement must provide the required parking spaces.

8-1. 04. Recreational Vehicles. Unoccupied travel trailers, pick-up campers dismounted, motor homes, towable wheeled campers and converted school busses may be stored or located in areas as follows:

- A. An area on private property in any zone category with the following restrictions:
 - 1. In the front yard on an established driveway and entirely on the owner's property. Recreational vehicles may not be parked or stored on public property or street right of way.
 - 2. In the rear yard not closer five feet (5') from the rear lot line and five feet (5') from the side lot lines.
 - 3. Recreational vehicles in any district may not be within the sight triangle on a corner lot.
 - 4. No more than two current licensed and operable recreational vehicles may be parked or stored on any specified parcel of business or residential property. The unit may not be occupied and shall not be connected to sewer lines, water lines, or electricity. Recreational vehicle must be parked in a completely enclosed garage or other accessory building if property has more than two recreational vehicles.
 - 5. The storage of recreational vehicles in any district without current license plates shall be prohibited unless such recreational vehicle is stored in an enclosed garage or other accessory building.
 - 6. Recreational vehicles shall only be stored on the same lot/lots as the main structure and in no case shall they be stored on any property without a main structure in any district unless located within an approved recreational vehicle park.
 - 7. Any unit left unattended during the hurricane season must be adequately tied down.
- B. Any area on private property normally used for automobile parking and has a main building, if unit owned by guests of property owner, with the restriction that a limit not to exceed thirty (30) days on one location will be permitted with a fourteen day period required before a unit can be placed on previously occupied location. These vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.
- C. Recreational vehicles shall not be stored on any lot, street or right of way other than a residential lot of the owner or a site specifically designed and approved by the City Council to accommodate them.

SECTION 8-2 Vehicle Stacking Areas

8-2. 01. Stacking Spaces for Drive-Through Facilities. A stacking space shall be an area measuring eight feet (8') by twenty feet (20') with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other required parking areas. Stacking spaces for drive-through or drive-in uses (Short-Term Auto Service Uses) may not be counted as required off-street parking spaces.

8-2. 02. Minimum Number of Spaces. Off-street stacking spaces shall be provided as indicated in the following table.

Minimum Off-Street Stacking Spaces		
Activity Type	Minimum Spaces	Measured From:
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive through	4	Order Box
Restaurant drive through	4	Order Box to Pick-Up Window
Auto service facility stalls; vehicle repair and body shop stalls	2	Entrance to stall
Car wash stall, automatic	3	Entrance to wash bay
Car wash stall, self-service	3	Entrance to wash bay
Gasoline pump island	2	Pump Island
Other	Determined by City Council	

8-2. 03. Design and Layout. Required stacking spaces are subject to the following design and layout standards:

8-2. 04. Size. Stacking spaces shall be a minimum of ten feet (10') by twenty feet (20') in size.

8-2. 05. Location. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

SECTION 8-3 Parking Spaces and Parking Lot Design.

8-3. 01. Parking Space Dimensions. Required off-street parking spaces shall have minimum dimensions of nine feet (9') in width by eighteen feet (18') in length.

8-3. 02. Aisle Widths. Drive aisle widths adjoining off-street parking spaces shall comply with the following standards:

Minimum Width for Specified Parking (in feet)			
90°	75°	60°	45° or less
24	23	16	12.5

Note: Two-way aisles shall always require a minimum width of 26 feet.

8-3. 03. Markings.

- A. Each required off-street parking space and off-street parking area shall be identified by surface markings at least four (4) inches in width. Markings shall be visible at all times.

Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.

- B. One-way and two-way accesses into required parking facilities shall be identified by directional arrows.

8-3. 04. Surfacing and Maintenance. Drives, parking lots, and loading areas shall be paved with concrete, asphalt, crushed limestone, compacted gravel, or equal substitute in all residential, multiple-family, commercial, office, and light industrial sites. All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses shall be paved at all times.

SECTION 8-4 Alternative Parking Plan. An alternative-parking plan may be approved by the City Council for specific developments that are deemed to require a different amount of parking than the standards shown in the Off-Street Parking Requirements table.

8-4. 01. The City Council shall establish conditions necessary to insure the adequacy of future on site parking when approving an alternate parking plan. Any alternative standard shall meet the criteria below.

- A. The use of the building is specific and occupied by a single user.
- B. The applicant provides a detailed breakdown of his or her parking requirements indicating employee counts, shift distribution and visitor or customer needs.
- C. The applicant provides a site plan showing how additional parking to meet standard requirements would be provided if the use changed or parking needs increase.
- D. In limited cases, off-site parking, shared parking agreements, and reciprocal access and parking agreements may be approved by the City Council.

SECTION 8-5 Parking In Certain Areas Restricted.

8-5. 01. Restricted Parking of Commercial Vehicles in Residential Areas.

- A. Parking certain vehicles on streets or rights-of-way within a zoning district designation as any Residential or within three hundred feet (300') of the property line of a residence located in such district.
 - 1. No person shall stop, stand or park a commercial vehicle, as that term is defined herein, truck tractor, road tractor, trailer, semi-trailer, pole trailer, utility trailer, house trailer, travel trailer, camper trailer, boat trailer, motor home, bus, or special mobile equipment upon any street or public right-of-way within a Residential district or within three hundred feet (300') of the property line of a residence located within such district, except as follows:
 - a) While expeditiously loading or unloading passengers, freight, materials or merchandise between the hours of 8:00 a.m. and 9:00 p.m.;
 - b) While effecting emergency repairs when a vehicle is so disabled as to render it unsafe to proceed further;
 - c) Vehicles and equipment engaged in street construction, maintenance and repair, or the construction, maintenance or repair of public service utilities;
 - d) Vehicles serving as emergency vehicles;
 - e) Vehicles owned or under the control of a business legally operating on the property where the vehicle is parked, providing that the property is not zoned as Residential.
 - f) Vehicles parked in the private parking lot of a business engaged in providing overnight lodging when the operator is a customer of that business and lodging overnight, provided that the property is not zoned as Residential.
- B. Parking certain vehicles on public or private property within any zoning district designated as Residential or within three hundred feet (300') of the property line of a residence located within such district.
 - 1. No person shall stop, stand or park a commercial vehicle, as that term is defined herein, upon public or private property located in a district zoned as Residential under the

City's Zoning Ordinance or within three hundred feet (300') of the property line of a residence located within such district, except as follows:

- a) While expeditiously loading or unloading passengers, freight, materials or merchandise between the hours of 8:00 a.m. and 9:00 p.m.;
 - b) While effecting emergency repairs when a vehicle is so disabled as to render it unsafe to proceed further;
 - c) Vehicles and equipment engaged in street construction, maintenance and repair, or the construction, maintenance or repair of public service utilities; or
 - d) Vehicles serving as emergency vehicles.
 - e) Vehicles owned or under the control of a business operating on the property where the vehicle is parked, providing that the property is not zoned as Residential.
 - f) Vehicles parked in the private parking lot of a business engaged in providing overnight lodging when the operator is a customer of that business and lodging overnight, provided that the property is not zoned as Residential.
- C. This section does not apply to church, school, nursing home, or retirement home vehicles parked upon property owned by such institutions.

8-5. 02. Parking on public or private property for certain purposes prohibited.

- A. Parking on City streets is prohibited.
- B. No person shall park any motor vehicle upon any public property for the purpose of displaying such vehicle for sale.
- C. Overnight parking/storage of commercial vehicles on public street, public right-of-way or public parking area prohibited. No person shall park or store a commercial vehicle overnight on a public street, within public right-of-way or within a publicly owned or operated parking area. This section shall not apply to the parking of vehicles owned or operated by Federal, State, or Local Government Authorities.

SECTION 8-6 Impoundment Of Vehicles Parked In Violation Of Article. Any vehicle found stopped, standing or parked in violation of any provision of this Article is subject to being fined and removed and impounded at the owner's expense.

ARTICLE 9. BOARD OF ADJUSTMENT

Since the State law requires a zoning ordinance to be a comprehensive plan in which the rules are uniform as to each zoning district and not by individual parcels of property, it is impractical if not impossible to provide for all special or unusual circumstances which may exist when the requirements are applied to a particular piece of property or where the owner would be subject to an unwarranted restriction in the use of his property. In anticipation of such situations the State Zoning Law and this Ordinance make provisions through a board of Adjustment to take care of certain problems arising out of the application of the regulations. Decisions of the Board are appealable to the City Council. The City council will serve as the Board of Adjustment if a Board is not appointed.

SECTION 9-1 Organization. There shall be a Board of Adjustment established and governed by Chapter 211 Texas Statutes Local Government Code, and consisting of five members appointed by the council, each to be appointed for a term of two years, removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The City Council may appoint up to four alternate members to the board who shall serve in the absence of one or more regular members when, requested to do so by the Mayor. The alternate members shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

SECTION 9-2 The Powers of the Board are:

9-2. 01. Errors. The board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by a City Official in the enforcement of this Ordinance.

9-2. 02. Special exceptions. In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of this Ordinance as an instrument for the fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are permitted to the terms of this Ordinance. The following buildings, and uses are permitted as special exceptions if the Board finds that in its opinion as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by this Ordinance:

- A. A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.
- B. To waive or reduce the parking requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking, or where such regulations would impose an unreasonable hardship upon the use of the lot.
- C. To Construct additions or make alterations to special permits.
- D. To determine in cases of uncertainty the classification as to district of any use not specifically named in this Ordinance, provided, however, such use shall be in keeping with uses specifically named in the district regulations.
- E. To grant an extension of time for removal of a non-conforming use under Subsection 4-7.08; provided such extension will not adverse to the general welfare.

9-2. 03. Variances. The Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this Ordinance. The Board of Adjustment shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this Ordinance would create a substantial hardship to the applicant, by virtue of unique special conditions not generally found within the City, and that the granting of the Variance would preserve the spirit and intent of the Ordinance, and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that public health, safety, and welfare may be secured and substantial justice done. The Planning Commission will hold a public hearing and recommend approval, approval with modifications or conditions, or disapproval to the Council. The function of the Planning Commission shall be advisory only. The City Council shall publish and mail public notice in accordance with Texas Local Government Code Chapter 211 and hold a public hearing before rendering a decision on a variance.

- A. Standards for Variance. City Council may grant a variance when it has been determined:
 - 1. Extraordinary Conditions. That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Ordinance will deprive the applicant of the reasonable use of their land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
 - 2. Substantial Detriment. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Ordinance.
 - 3. Other Property. That these conditions do not generally apply to other property in the vicinity.
 - 4. Applicant's Actions. That the conditions are not the result of the applicant's own actions.

5. General Plan. That the granting of the variance would not substantially conflict with the General Plan and the purposes of this Ordinance.
6. Utilization. That because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- B. Insufficient Findings. The following types of possible findings do not constitute sufficient grounds for granting a variance:
 1. That the property cannot be used for its highest and best use.
 2. That there is a financial or economic hardship.
 3. That there is a self-created hardship by the property owner or his or her agent.
 4. That the development objectives of the property owner are or shall be frustrated.
- C. Attendance At City Council Meeting. The Applicant, the Applicant's Attorney, Engineer or Architect or a duly authorized person must attend the public hearing.
- D. Limitations. The Board of Adjustment may not grant a variance when the effect of which would be any of the following:
 1. To allow the establishment of a use not otherwise permitted in the applicable zoning district.
 2. To increase the density of a use above that permitted by the applicable district.
 3. To expand a nonconforming land use.
 4. To change the zoning district boundaries shown on the Official Zoning Map.
 5. Profitability Not to Be Considered. The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

SECTION 9-3 Appeal.

9-3. 01. A person may appeal a decision by the Board of Adjustment to the City Council. The appeal must be received within fifteen (15) days after the placement of a letter in the U.S. Mail addressed to the address on the permit or to the address of the current owner of record in the County tax records which contains the written decision rendered by the Board of Adjustment. Appeals of the City Council's decision must be made within ten (10) days to the District Court, County Court, or County Court at law in accordance with the Texas Local Government Code. Except as provided by Subsection (C), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

- A. A person aggrieved by the decision; or
- B. Any officer, department, board, or bureau of the municipality affected by the decision.
- C. A member of the governing body of the municipality who serves on the board of adjustment may not bring an appeal under this section.

9-3. 02. Board Action. In exercising the above powers, the Board may reverse or affirm wholly or partially, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, in the interest of the public and the individual affected, and to that end shall have the powers of the Administrative Officer from whom the appeal is taken. A written finding of facts, based on testimony and specifying the reason for granting or denying the variation shall accompany every variation granted or denied by the Board. The concurring vote of 75 percent of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant upon any matter which it is required to pass under this Ordinance, or to affect any variation of this Ordinance.

SECTION 9-4 Lapse of Special Exception or Variance. After the board has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after expiration of one year, if no substantial construction or change of use has taken place in

accordance with the plans for which such special exception or variance was granted, and the provisions of this Ordinance shall thereafter govern. If an action on the application is made by the Board of Adjustment or City Council, no further applications for rezoning on all or part of the subject property may be considered for a period of twelve (12) months unless a waiver is granted by the City Council.

SECTION 9-5 Fees. Before any action shall be taken on any appeal to the Board necessitating the publication of notices or sending of notices, the appellant shall deposit with the City Secretary a fee set by the City Council to cover the cost and expense relative thereto. Fee may be adjusted annually.

ARTICLE 10. AMENDMENT OF THE ORDINANCE

SECTION 10-1 The City Council from time to time, on petition, in form and content as prescribed by the City Council, or on its own motion, amend, supplement, change, modify by ordinance the boundaries of districts or the regulations or restrictions herein established. Any proposed amendment, supplement, change or modification shall first be submitted to the Planning and Zoning Commission at a Joint Public Hearing with the City Council, for its recommendations and report. Notice of required hearing shall be in accordance with Chapter 211, Texas Statutes Local Government Code. If the Planning and Zoning Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Notice of such hearing shall be published in the official paper or papers of general circulation at least one time. Such hearing shall not be held earlier than fifteen (15) days from the date of publication of such notice.

SECTION 10-2 Review and Report by Planning Commission. The Planning Commission will hold a public workshop and recommend approval, approval with modifications or conditions, or disapproval to the Council. The function of the Planning Commission shall be advisory only.

SECTION 10-3 Twenty Percent Rule. If the Planning and Zoning Commission recommends against, or if a protest against such proposed amendment, supplement, change or modification shall be presented to the City secretary, duly signed and acknowledged by the owners of twenty percent or more, either of the area of lots or land immediately adjoining the same and extending two hundred feet (200') therefrom, such amendment, supplement, change or modification shall not become effective except by the favorable vote of three-fourths of the members of the City Council.

SECTION 10-4 Before any action shall be taken as provided in this Article, the applicant for such action shall deposit with the City Secretary a fee set by the City Council which may be adjusted annually.

ARTICLE 11. ADMINISTRATIVE PROCEDURES

SECTION 11-1 Administrative Officer. It shall be the duty of the City Council or designee, City Official, or building inspector to enforce the provisions of this Ordinance, and to refuse to issue any permit for any building or for use of any premises which would violate any of the provisions of this Ordinance. Appeals from any decision of the City Official may be taken to the Board of Adjustment as provided in ARTICLE 9.

SECTION 11-2 Building Permits. No Building may be undertaken without a building permit, and without an occupancy permit as required in Section 11-3 of this Ordinance. Each application for a building permit shall be accompanied by a plat, drawn to scale, showing actual dimensions of the lot to be built upon as shown by a site plan, the size, shape, location and elevation of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plats shall be kept on file in the City Hall.

SECTION 11-3 Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land, nor any change or use of occupancy in an existing building shall be made, nor

shall any new building be occupied until a certificate of occupancy has been issued by the City Official. Every certificate of occupancy shall state that the new occupancy complies with the provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the City Hall.

ARTICLE 12. DEFINITIONS

SECTION 12-1 The purpose of including definitions in this Ordinance is to simplify the working of the Ordinance; and to give the meaning of technical terms; and to eliminate ambiguities. Words that are in common usage are not defined herein, but may be found in a Standard English dictionary.

SECTION 12-2 Words used in the present tense include the future; words in the singular include plural; and words in the plural include the singular. The word "building", includes the word "structure. The word "shall" or the word "must" is mandatory and not discretionary.

SECTION 12-3 Words Defined.

ACCESSORY BUILDING: A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land.

ACCESSORY USE: A use which is clearly incidental to or customarily found in connection with (except as otherwise provided in this Ordinance) on the same lot as the main use of the premises. When the word "accessory" is used in the text, it shall have the same meaning as accessory use.

ADDITION: An enclosed space added to an existing dwelling unit which will be habitable living space. The addition must have a roof and walls. Specifically excluded are decks and unenclosed porches.

ADMINISTRATIVE OFFICER: The City employee designated by the "City Council to be responsible for the administration of the Zoning Ordinance regulations. Also, may be Building Inspector as below.

AGRICULTURE, INTENSIVE: The raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep and other animals; livestock markets and pet farms.

ALLEY: A public thoroughfare which customarily affords only a secondary means of access to abutting property.

ANIMAL ENCLOSURE: Any fence or structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.

ANIMAL HUSBANDRY: The raising, keeping and care of any domestic animals other than customary household pets.

BOARD: The Board of Adjustment established in ARTICLE 9 Section 9-1.

BUILD: To erect, convert, enlarge, reconstruct or structurally alter a building or structure.

BUILDING: Any structure designed or built for the enclosure, support, shelter or protection of persons, animals, chattels or property.

BUILDING INSPECTOR: The person designated by the City Council to be responsible for the administration of the Zoning Ordinance regulations and building codes.

BUILDING LINE: A line parallel or approximately parallel to the street line at a specified distance therefrom creating the minimum distance from the street line that a building may be required.

CITY: The Town of Bayside, Texas.

CITY OFFICIAL: The City building inspector or City employee charged with responsibility of enforcing this ordinance or his designee.

COMMERCIAL VEHICLE: A vehicle or combination of used to transport passengers or property that:

- Has a manufacturer's rated carrying weight equal to or greater than one and one-half (1 1/2) tons;
- Is designed to transport 16 or more passengers, including the driver;
- Is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F;
- Is a "road tractor" as that term is defined in chapter 541 of the Texas Transportation Code;
- Is a "truck tractor" as that term is defined in chapter 541 of the Texas Transportation Code;
- Is a "pole trailer" as that term is defined in chapter 541 of the Texas Transportation Code; or
- Is a "semitrailer" as that term is defined in chapter 541 of the Texas Transportation Code.

COMMISSION: The Planning and Zoning Commission of the Town of Bayside, Texas.

COMMON AREA: Private property owned in common by and designed for the private use of, the owners or occupants of townhouses in a particular project or subdivision. Common area uses include, but are not limited to, recreation areas, parks and plazas, ornamental areas open to the general view within the project or subdivision, and building setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.

COUNCIL: The City Council of the Town of Bayside, Texas.

DECK: A raised horizontal structure without roof or enclosed with walls open to the sky which is accessory to the principal dwelling and built at an elevation above natural grade; also, an area having the characteristics of a patio but more than six inches (6") in height at any point. Also called terrace.

DISTRICT: A part of the City wherein regulations of this Ordinance are uniform.

DWELLING: A building or portion thereof designed or used for residential occupancy, including one-family, two-family, multi-family dwellings, or mobile or manufactured housing, but not including boarding or lodging houses, hotels, motels or recreation vehicles.

DWELLING UNITS: A room or group of rooms occupies or intended to be occupied as separate living quarters by a single family or other groups of persons living together as a household or by a person living alone.

- ONE-FAMILY DWELLING: A building designed and arranged exclusively for the use and occupancy of one family.
- TWO-FAMILY DWELLING: A building designed or arranged exclusively for the use and occupancy of two families living independently of each other.
- MULTI-FAMILY DWELLING: A building designed or arranged exclusively for the use and occupancy of three or more families living independently of each other. The building may include a triplex, apartment house, townhouse, condominium, cooperative or high-rise, etc.

FAMILY: A person or persons, occupying a dwelling, living together and maintaining a common household.

FIREWORKS STAND: A temporary structure used for retail business of selling fireworks.

FLOOR AREA: The square feet of floor space within the outside line of walls and including the total of all spaces on all floors. It does not include porches, carports, breezeways, walkways or garages.

FRONTAGE:

- STREET FRONTAGE: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- LOT FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident.