

GARAGE, PRIVATE: An accessory building or portion of a principal building used for the storage of private motor vehicles, in which no business, occupation, or service for profit is in any way connected. The term "garage" shall include the term "carport."

GREENHOUSE: An agricultural structure constructed primarily of glass or other translucent material and used for the production of crops, nursery stock or similar agricultural product.

HEIGHT OF BUILDING: The vertical distance from the lower of the grade or the existing grade directly beneath any portion of the building to the topmost point of the structure, excluding elevator equipment rooms, ventilating and air conditioning equipment and chimneys.

HOME OCCUPATION: Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building by a member of a family residing on the premises, in connection with which there is no advertising or sign other than a nameplate placed flat against a building, and no other display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which not more than one person outside the family is employed and no equipment used which creates noise, vibration, smoke, heat, dust, glare, odors, electrical interference, any of which is offensive to persons of ordinary sensibility in the neighborhood. When within the above requirements, a home occupation includes the following: art studio, dress making, professional office of a doctor, physician, dentist, lawyer, engineer, architect, builder, accountant, salesman, real estate agent or insurance agent, or teaching with musical instruction limited to two pupils at a time; however a home occupation shall not be interpreted to include barbershops, beauty parlors, restaurants or the conduct of a business involving retail sales, but is intended to include only those personal services which are subordinate to the use of the premises as a dwelling.

JUNKYARD: For the purpose of this Ordinance, junkyard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap metals

KENNEL: Any lot or premises on which five or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, training, grooming and/or bathing for which remuneration is received. A noncommercial kennel is a place prepared to house, board, breed, handle or otherwise keep or care for five (5) or more adult dogs. A commercial dog kennel is a place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

LANDING: A horizontal, unenclosed platform that is attached to the principal structure adjacent to an entry; that not including steps, does not exceed 6 feet in depth perpendicular to the structure or 8 feet wide; and which leads to an entry door. It may have a roof (covered landing). (Also commonly referred to as steps or a stoop.)

LIVABLE AREA: The square footage of all habitable floor areas under roof, including attics, lofts, basements, enclosed patios and enclosed porches, servant guesthouses, but excluding pergolas, open patios and open porches and garages.

LODGING OR BOARDING HOUSE: A building other than a hotel or motel where lodging and/or meals are provided for persons for compensation.

LOT: A parcel of land adequate for occupancy by a use herein permitted, providing the yards, area and off-street parking herein required and fronting directly on a street.

LOT DEPTH: The distance from the front street line to the rear line measured in the mean direction of the sidelines.

LOT WIDTH: The mean horizontal distance between the side lot lines measured at right angles to the depth.

MAIN BUILDING: The building or buildings on a lot which are occupied by the primary use.

MOTEL OR HOTEL: A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

NON-CONFORMING USE: A building or premises lawfully occupied by a use at the time at the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.

OWNER OCCUPANCY: A property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

PARKING SPACE OFF-STREET: An all-weather surface area not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surface driveway which affords satisfactory ingress egress or automobiles.

PATIO: A flat, leveled horizontal structure having a base floor area at or below natural grade and open to the sky which is without roof or walls and surfaced with wood, macadam, masonry, stone, brick, block or other such material.

PREMISES: Land together with all buildings and structures thereon.

ROADSIDE STAND: A temporary removable structure without foundation or intended to be used solely by the owner or tenant of the property on which it is located for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

SETBACK: The minimum required open space left between the building line and lot lines.

SHIPPING CONTAINER: A containment receptacle which is used or designed to be used in intermodal transportation or over-the-road shipping that consists of a truck trailer body that may be detached from the chassis, either with or without a permanent affixed chassis, for loading onto a ship or other vessel, a rail car, or stacked in a container depot and used in intrastate and international commerce for the shipment of goods and merchandise. Such a container when used for industrialized buildings shall comply with the State of Texas Industrialized Housing and Building Act.

SIGHT DISTANCE: The unobstructed view of a driver of a motor vehicle or a pedestrian within a "Sight Triangular Area" at the intersection of two public road rights-of-way.

SIGHT-TRIANGLE: A triangular shaped area within a right triangle formed by the intersection of the right-of-way lines from the point of intersection for a distance of twenty feet (20') to the hypotenuse and extending vertically in which nothing is erected, placed, planted or allowed to grow over a height of three feet (3') above any portion of the crown of the adjacent roadways in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

STREET: A public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, which requires a location on the ground, or attached to something having a location on the ground, including but not limited to advertising signs, billboards and poster panels.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

TOWNHOUSE: One of a series of single-family dwelling units which are either structurally connected, or which are constructed immediately adjacent to each other without side-yard between the dwelling units. The term "townhouse" and "townhome" are similarly defined and may be used interchangeably.

TOWNHOUSE GROUP: Two or more townhouses constructed as an Integral part of a townhouse project.

TOWNHOUSE PROJECT: One or more townhouse groups, together with commonly owned structures or areas.

TOWNHOUSE SUBDIVISION: One or more townhouse projects.

TREE: A living, woody plant having a well-defined stem, a more or less well-defined crown, and which is capable of attaining a height of at least fifteen feet (15').

YARD: An open area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Ordinance.

YARD, FRONT. An open area extending across the full width of the lot and lying between the front lot line and the nearest line of the principal structure. The lot line of a lot abutting a public street shall be deemed the front lot line.

YARD, REAR. An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

YARD, SIDE. An open, unoccupied space or spaces, except for accessory buildings as herein permitted, on one side or two sides of a main building and on the same lot with the building situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side yard.

ARTICLE 13. VIOLATIONS, NOTIFICATION, ENFORCEMENT, PENALTIES, AND REMEDIES

SECTION 13-1 Violations.

13-1. 01. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, begin the excavation thereof, or use any building or land in violation of any regulation in or any provision of this Ordinance, or any amendment thereto lawfully adopted by the Mayor and City Council of Bayside, or to fail to comply with any lawful requirement or condition imposed by the City Council, or fail to obtain a permit required under this Ordinance.

13-1. 02. All zoning and building permits shall be revocable for failure to comply with all applicable requirements and conditions.

SECTION 13-2 Enforcement.

13-2. 01. In case any building is erected, constructed or reconstructed, altered, repaired or converted, or any building or land is found to be in violation of this ordinance, the Building Inspector or designee, the City Council or City Official is authorized and directed to institute any appropriate action to put an end to such violation.

13-2. 02. Right of entry on property. Upon presentation of proper credentials the administrative authority, City Official or agents of the City may enter upon any property, vacant lots, or premises in the City to perform any duty imposed by this Ordinance.

13-2. 03. If the City Official has reason to believe that any of the provisions of this Ordinance are being violated, he/she shall provide or send a written Notice of Violation to the person responsible for such violations in accordance with Section 13-3.

13-2. 04. Stop Work. In addition, the City Official may issue a Stop Work Order to immediately halt work on a property that is in violation of this Ordinance. Such order may permit limited work to occur that is necessary to stabilize and secure the site.

13-2. 05. If at the conclusion of the time period stated in the Notice of Violation, the violation has not in judgment of the City Official been satisfactory corrected, then the City Council or City Official shall enforce the penalty provisions of this Ordinance and shall take such other action(s) as are permitted under State law to ensure compliance with this Ordinance. Such action(s) may include, but are not limited to seeking a court injunction to bring about the correction of such violation.

13-2. 06. In addition to other enforcement and remedy provisions established by this Section, in case any building is or is proposed to be located, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used, or any land is or is proposed to be used, in violation of this Ordinance as amended, the Mayor and City Council, the City Official, or any adjacent or neighboring property owner who would be specifically damaged by such violation may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, restrain, correct, or abate such unlawful location, maintenance, or use, to prevent any illegal act, conduct of business or use in or about such premises.

SECTION 13-3 Notification.

13-3. 01. Any person found to be violating any provision of this ordinance shall be served, by the Town of Bayside, with written notice stating the nature of the violation and providing a time limit of thirty (30) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct all violations. Failure to obtain the necessary permits for the work and passing inspection may require returning the site to it's original state or condition.

13-3. 02. Such notice shall require the abatement of such violation or request to schedule a hearing within thirty (30) days of such notice. The hearing shall be held as soon as practicable after the filing of the request. The decision of the City Council after hearing shall be final and, until such decision, the City shall not commence any of the procedures for abating violation. However, if the decision of the City Council is adverse to the person requesting the hearing, then he shall have thirty (30) days from such decision to perform the work himself; and if such work is not performed within such thirty (30) days, the City may then implement its abatement procedures.

13-3. 03. The City secretary shall give the notice of violation:

- A. By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- B. If personal service cannot be obtained, publication at least once in the local or official newspaper.

13-3. 04. If the City mails a notice to a property owner in accordance with Subsection 13-3.02 and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

SECTION 13-4 Penalties.

13-4. 01. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of misdemeanor. Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Two Thousand Dollars (\$2,000.00) for violations of municipal ordinances that govern fire safety, sanitation (not including vegetation and litter violations), public health or as the Legislature may amend from time to time.

13-4. 02. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who had assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

13-4. 03. For traffic-related offenses and other violations not included in the classes enumerated above, the maximum permissible fine will be Five Hundred Dollars (\$500.00) or as the Legislature may amend from time to time. Further, that the above mentioned violations shall be subject to a minimum fine of One Hundred Dollars (\$100.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

13-4. 04. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. A culpable mental state is not required for the commission of an offense under this Code of Ordinances, unless the provision defining the conduct expressly requires a culpable mental state.

13-4. 05. Notice of such a penalty shall be sent to said owner at their last known address by certified and regular first class mail. Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation.

SECTION 13-5 Assessment Of Expenses; Lien

13-5. 01. To obtain a lien against the property, the mayor or City Official designated by the mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expenses as a lien against the property upon which the structure is located.

13-5. 02. The lien obtained by the City is security for the fines, expenses and interest accruing at the rate of ten (10) percent on the amount due. The lien attaches upon the filing of the lien statement with the county clerk.

13-5. 03. The lien is inferior only to Tax liens.

13-5. 04. The City Council may authorize the City attorney to bring a suit for foreclosure in the name of the City to recover the fines and interest due. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs.

13-5. 05. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

13-5. 06. The City Council may authorize the City attorney to foreclose a lien on property.

13-5. 07. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs and cleanup or abatement costs.

13-5. 08. All collections of money from lot owners in payment of charges for statement of violations of this division shall be received by and receipted for by the City secretary or a duly authorized assistant.

SECTION 13-6 Attorney Authorization. Notwithstanding any penal provision herein, the City attorney is authorized to file suit on behalf of the City for such injunctive relief as may be necessary to abate such violations whenever any violations as herein defined is found in any place within the City.

ARTICLE 14. SEVERABILITY, CONFLICT, AND VALIDITY

SECTION 14-1 Severability. If any court of this State or the United States of America shall hold any section, paragraph, sentence, clause, phrase or word contained in this ordinance unconstitutional, the invalidity of such portion of the ordinance shall not be construed to affect any other part of this ordinance.

SECTION 14-2 Conflict with other Ordinances. That this ordinance shall be cumulative of all other ordinances of the Town of Bayside, Texas, affecting zoning. All ordinances or parts of ordinances

including but not limited to Ordinances 38, Amendment A and Amendment B in conflict herewith are hereby repealed. This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

SECTION 14-3 Validity. The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts. This ordinance shall not affect the validity of any deed restriction that is otherwise valid.

ARTICLE 15. EFFECTIVE DATE

This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper July 16, 2015

1st Hearing Date August 4, 2015

Passed, ordained, approved and adopted this the 17th day of August, 20 15.

Attest:

John A. Rivera

John A. Rivera
City Secretary

By: T Van Buren

Mayor Tom Van Buren
Town of Bayside, Texas

Revision: Amendment E; Page 15, Article 5 Section 5-1,
MINIMUM FLOOR AREA from 1,000 SQ. FT. to 600 SQ. FT.

