

ORDINANCE NO. 38

BAYSIDE ZONING ORDINANCE

AN ORDINANCE TO REGULATE AND RESTRICT 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 be and constitute the Bayside Zoning Ordinance:

ARTICLE 1. TITLE

This Ordinance shall be known as the Bayside Zoning Ordinance.

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, sewerage, 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:

R Districts - Residential
B Districts - Business
I Districts - Industrial

3-1.02 The three types of districts are further divided into the following districts:

- FR - Farm Residential District
- ER - Estate Residential District
- R - Medium Density Residential District
- R-2- Duplex Dwelling District
- B - General Business District
- I - 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 are 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.
- 3-2.02 Every building shall be on a lot. Except as provided in Section 4-5, 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 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.
- 3-2.06 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.

- 3-2.07 Land annexed to the City is automatically placed in the FR-Farm Residential District until changed by amendment to this Ordinance on initiative of the City in accordance with ARTICLE 10 herein provided, unless annexed under terms of Section 4-3 or under terms of the Subdivision Ordinance or where pre-existing conditions may be considered.

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:
1. One-family dwellings
 2. Public parks, public buildings, schools and colleges
 3. Churches
 4. Golf courses and golf clubs, but no commercial miniature courses or driving ranges
 5. Cultivated farm or pasture land
- 4-1.02 ER Estate Residential District. The purpose of this district is provide a residential district with smaller 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 1 through 5.
- 4-1.03 R-2 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 Subsection 5-1.01. In addition to the above listed uses 1 through 5, land and premises may be used for:
6. Two-family dwellings
- 4-1.04 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. Residential uses are permitted under the same provisions of the FR, ER, and R districts. In addition to the above-listed uses 1 through 6, land and premises may be used for:

7. Hotels/Motels
8. Offices
9. Restaurants, cafes, food catering services, stores and shops where foods, goods and merchandise are sold at retail.
10. 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.
11. Personal service shops; such as, beauty and barber shops, shoe repair, tailoring, dressmaking and similar personal service shops.
12. Vehicular repair shops and garages.
13. Printing shops, plumbing shops, air conditioning repair shops.
14. Self-service storage sheds, boat storage sheds, cold storage lockers.
15. Dry cleaning, self-service laundries.

- 4-1.05 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 or mobile home, travel trailer or recreation vehicle park, or for any use for the permanent or temporary housing of persons; however, dwellings or mobile homes for resident watchmen or caretakers employed on the premises are permitted; and excepting those uses enumerated in Subsection 4-2.02 hereof, for which a special permit is required.

Section 4-2. 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.

- 4-2.01 Procedure. Uses listed in 4-2.02 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 ARTICLE 10 herein. 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. 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.

4-2.02 Special Permit Uses. Uses for which special permits may be obtained, conditions that must be observed and districts in which they may be allowed are:

16. Structures deemed not detrimental to the surrounding area, yet which are not specifically listed elsewhere in this Ordinance.
17. 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 15 days or less, zoning changes are not required.)
18. Child nurseries or pre-kindergarten schools in any district, except an I District, provided State licensing requirements are met.
19. Curing, tanning and storage of hides in an I District only.
20. Dog kennels in a B or I District, provided there are no open pens in a B District, but fenced runs may be permitted in a I District.
21. Meat, fish or shellfish processing plant in an I District.
22. Greenhouses and plant nurseries not primarily engaged in retail trade in any district.
23. Junk yards, salvage scrap operations or automobile wrecking yards in an I District, provided that the property be surrounded with an eight-foot (8') high screening fence and the material not be piled higher than the fence and that vermin be controlled.
24. Piers and appurtenances in any District.
25. Radio, television or communications tower in a B or I District, provided Federal Aviation Administration permit is first obtained.
26. Welding shops, provided they are located in I District.
27. Recreational vehicle or travel trailer park in a B District provided:
 - (a) Park shall be at least 10 or more units in an area not less than 1,500 square feet per unit and adjacent to a public street.
 - (b) Access to the park shall be from a public street or highway. The number and location of access drives shall be approved by the Director of Public Works.

- (c) Interior access drives shall not be less than 12 feet in width of pavement and shall be maintained with a hard surface that shall be well drained. No parking shall be permitted on the access drives. Such requirements may be modified by the City Council if so recommended by the Commission and the Building Inspector.
- (d) Each space shall provide sufficient area so that the parking or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk or right-of-way or any private property not in the park.
- (e) There shall be no minimum lot area for a vehicle. However, assigned or rental spaces shall be provided to vehicle owners that will result in at least a ten-foot unobstructed clearance between such vehicles and provided that no part of such vehicles shall be closer than 10 feet to any building within the park nor closer than 5 feet to any access drive.
- (f) Any unit unoccupied for more than 30 days during the hurricane season (June 1 to November 30) must be "tied down".
- (g) Outside lighting shall be erected in such a manner that it not be detrimental to or project onto adjacent properties.
- (h) Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution.
- (i) The person or entity to whom the special permit is granted shall at all times operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.

28. Mobile home park or manufactured housing park in a B District provided:

- (a) A mobile home or manufactured housing park shall consist of at least two units in an area conforming to the lot area requirements per family for the zone in which the park is located.
- (b) Access to the park shall be from a public street or highway. The number, location and size of access drives shall be approved by the Director of Public Works.
- (c) Interior access drives shall not be less than 18 feet in width and shall be maintained with a smooth, hard surface and properly drained. Such requirements may be modified by the City Council if so recommended by the Commission and the Building Inspector.

- (d) There shall be no minimum lot area for a mobile home or manufactured home site or space in a park, except that the unit shall be so harbored on each site or space that there shall be at least a 10 foot unobstructed clearance between mobile or manufactured homes; provided, however, that units parked end-to-end, the end-to-end clearance may be not less than 10 feet. No unit shall be located closer than 10 feet to any service building within the park nor closer than 5 feet to an access drive.
 - (e) Off-street parking spaces in the park shall be provided in the ratio of one and one-half spaces per mobile or manufactured home and one such space must be placed in locations convenient to individual homes or groups of homes.
 - (f) The park shall conform to all other regulations relating to building, gas, plumbing, and electrical installations and mobile home tie-downs. Fire hydrants may be required as specified by the Director of Public Works.
 - (g) Outside lighting shall be erected in such a manner that it will not be detrimental to or project into adjacent properties.
 - (h) Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution.
 - (i) The person or entity to whom the special permit is granted shall at all times operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.
29. Mobile or manufactured buildings on individual lots. Mobile homes, manufactured buildings, modular buildings, portable buildings, travel trailers, pick-up campers, towable wheeled campers and converted school busses are not permitted to be located within the corporate city limits of the Town of Bayside, Texas for private occupancy or business use unless located in an established mobile home or travel trailer park or subdivision; except that an individual mobile, manufactured, modular or portable building may, by Special Permit as herein provided, be located on any lot where a single-family home or an office, by this Ordinance, may be located, provided:
- (a) The mobile or manufactured building comply with the National Mobile Home Construction and Safety Regulations established in 1976 and thereafter amended by the Federal Department of Housing and Urban Development, or with the Southern Building Code as adopted and amended by the Town of Bayside.

- (b) The mobile or manufactured building be a minimum of 12 feet wide with acceptable house type exterior, with approved skirting.
- (c) That the building comply with all square footage requirements relating to a single-family home contained in this Ordinance, and other applicable regulations in the Code of Ordinances of the Town of Bayside.

Section 4-3. 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.

- 4-3.01 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 mobile homes or manufactured housing, and provisions of traffic circulation, off-street parking, service areas, landscaping, etc.
- 4-3.02 Time Limit. The Council shall submit such plan to the Commission who shall have 45 days in which to investigate, hold a public hearing and make a report and recommendation to the Council on the plan.
- 4-3.03 Procedure. The Commission shall review the proposed development as to its conformity to the Comprehensive Plan and recognized principals of civic design, land use planning and landscape architecture. The minimum yard requirements of the district in which the development is located shall not apply except that the minimum yards shall be provided around the boundaries of the area to be developed. The Commission may propose conditions regarding the layout, traffic circulation, and may require that appropriate deed restrictions be filed that would be enforceable by the City and/or an approved homeowners' association for a period of at least 20 years from the date of filing.

The plan shall comply with applicable procedures of the Subdivision Ordinance. A plan of the development shall be submitted regardless of whether a subdivision is proposed and such plan shall show building lines, common land, if any, streets, drives, easements, zoning designations, and other applicable features. The maximum number of dwelling units shall not exceed one living unit for each 4,000 square feet of land area. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the District or Districts in which the area is located. The net development area shall be determined by subtracting the area set aside for commercial area from the gross development area and deducting twenty percent (20%) of the remainder for streets, regardless of the amount of land

actually required for streets. The area of land set aside for churches, schools and recreational use shall be included in determining the number of dwelling units permitted. The dwelling units may be one-family, two-family or multi-family units, including mobile homes or manufactured housing on permanent foundations.

The proposed uses, signs and off-street parking shall be approved by the Commission.

- 4-3.04 Hearing. The Commission shall hold a public hearing of the development plan. The recommendations of the Commission shall be forwarded to the Council who shall, after a public hearing, approve or disapprove the recommendations of the Commission with or without modifications.

Approved plans may be amended by the same procedure by which they were originally approved, except minor changes in the plan may be approved by the Administrative Officer if the change does not violate the intent of the originally approved plan. After approval by the Council and after any required deed restrictions are in effect, the Administrative Officer may issue permits enabling the approved development to be carried out.

Section 4-4. 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.

- 4-4.01 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.
- 4-4.02 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; a "higher classification" means used in a District with a prior listing in this Ordinance.

- 4-4.03 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.
- 4-4.04 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.
- 4-4.05 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.
- 4-4.06 Existing Special Permit Uses Not Non-Conforming. Existing uses of the types eligible for special permits under Section 4-2 shall be conforming uses and shall receive a special permit for the existing use from the Administrative Officer upon request. A special permit shall be required for any enlargement or addition.
- 4-4.07 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.
- 4-4.08. Discontinuance of Non-Conforming Uses. Where a premise in an 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. All junkyards shall conform with requirements of Section 4-2, Item 23 of Subsection 4-2.02, within two years after the effective date of this Ordinance. All non-conforming uses and structures shall be brought into conformance in 5 years from date of passage of this Ordinance; council may review annual extensions for 5 additional years. Where the enforcement of this section would impose an undue hardship on any property owner concerned, said property owner shall have the right to appeal for relief to the Board of Adjustment (ARTICLE 9, Subsection 9-3.02(f)).

Section 4-5. 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.

4-5.01 In R Districts accessory uses permitted as follows:

- (a) Private garages and wash houses
- (b) Home occupations
- (c) Vegetable and flower gardens, non-commercial greenhouses
- (d) Raising and keeping small animals and fowls, but not on a commercial basis
- (e) Tennis courts, swimming pools, garden houses, pergolas, ornamental gates, pump houses, barbecue ovens, fire-places and similar uses customarily accessory to residential uses
- (f) Guest houses
- (g) Garage apartments
- (h) Portable storage buildings of proper construction that are tied down

4-5.02 In the B and I Districts, there may be any accessory use.

4-5.03 Temporary buildings, including "mobile homes" used for construction offices are permitted in any district as accessory building only during the course of construction.

4-5.04 Any accessory building shall be provided with a five-foot side and a five-foot rear yard and may not be built over a utility easement.

4-5.05 Where a garage is entered from an alley, it must be kept at least ten feet from the property line.

Section 4-6. Regulations Regarding Signs. It is the purpose of this section to regulate and control the placement and construction of signs.

4-6.01 The following signs shall be permitted:

- (a) In R Districts churches, public buildings and semi-public buildings, bulletin boards not exceeding 20 square feet in area. Such signs may be located in the required front yard.
- (b) Temporary non-illuminated sign not exceeding 8 square feet in area pertaining to the lease or sale of the premises on which such sign is located and provided such sign is immediately removed upon the lease or sale of such building or premises.
- (c) Name plates.
- (d) Traffic and official public signs.

- (e) Temporary ground signs advertising future use of development or property on which such signs to be located may be maintained, provided such signs do not exceed 32 square feet in area or remain longer than 18 months. "For Rent" or "For Lease" signs in Commercial or Industrial Districts for new buildings shall not exceed 48 square feet or remain more than six months after the building is completed.
- (f) For hotels and motels in the B District, there may be wall signs, ground signs and marquee signs identifying the hotel or motel. Wall signs and marquee signs shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed and shall not extend above the roof line. No ground sign shall be located closer than 10 feet to a side lot line and all portions of such sign shall be erected and maintained behind the property line; and shall not be at any point over 25 feet above ground level. Such ground sign, when erected on a lot fronting on intersecting streets and within 50 feet of the corner lot lines, shall have a vision clearance of 8 feet above ground level.
- (g) In B and I Districts, there may be roof signs, marquee signs, awning signs and portable signs when displaying no advertising matter, except pertaining to the business conducted in the building or on the premises on which such sign is placed. The total square foot area of roof signs, wall signs, projecting signs and marquee signs, and awning signs, collectively, shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed. There shall not be more than one ground sign for each 100 front feet of separately operated property, and such ground signs shall be located behind the property line. Such ground signs, when erected on a lot fronting on intersecting streets and within 25 feet of the corner lot lines, shall have a vision clearance of 8 feet above ground level.

Ground signs in the B and I Districts are to be sized as to: one square foot per lineal feet of the street frontage and not over 25 feet above ground; but in no case can the sign be larger than 100 square feet per face.

- (h) Projecting Signs. Projecting signs may extend not more than four feet six inches (4'6") from the building into the front yard.
- (i) Wall Signs. No wall sign shall extend beyond the building more than 12 inches. No wall sign shall be erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.

- (j) Marquee Signs. Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than fourteen feet (14') above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet above nor one foot below such marquee.
- (k) Ground Signs. The maximum square foot area for ground signs shall not exceed a total of 100 square feet for each face (dimensionally). No sign shall be at any point over 25 feet above ground level and shall have a minimum open space of three feet between the lower edge of such sign and the ground level; fifty percent (50%) of which space may be filled with a platform and decorative lattice work of light wooden construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least ten feet from the side lot line.
- (l) Temporary and/or portable signs are subject to all restrictions pertaining to signs except ground clearance regulations; and permits for same must be obtained at City Hall.

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 liveability 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.

5-1.01 Minimum Established

<u>District</u>	<u>Lot Width (Ft.)</u>	<u>Minimum Lot Area (Sq. Ft.)</u>	<u>Lot Area Per Family - (Square Feet)</u>		<u>Minimum Floor Area (Sq. Ft.)</u>
			<u>One-Family</u>	<u>Two-Family</u>	
FR	100	40,000	40,000		800
ER	100	20,000	20,000		600
R	50*	5,500*	5,500*		600
R2		11,000*	5,500*	5,500*	600
B			15,000 5,500*	15,000 5,500*	500

*Required area shall automatically reduce if Public Sewer becomes available. This is allowable building site if engineered septic system and Health Department approved.

- 5-1.02 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. 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 100-foot width.
- 5-1.03 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.
- 5-1.04 Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be enlarged.

ARTICLE 6. YARD REGULATIONS

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 buildings in various districts.

Section 6-1. Minimum Yard Regulations Established.

- 6-1.01 Front Yards. In all R Districts, there shall be a front yard of at least 25 feet. In the B District, there shall be a front yard of at least 20 feet. No front yard is required in the I District for non-dwelling uses.
- 6-1.02 Side Yards. In all R Districts, there shall be a minimum side yard of 5 feet on each side of the building. Except as provided in Subsection 6-2.02, no side yards are required in the B and I Districts for non-dwelling uses. A side yard adjacent to a side street shall be not less than fifteen feet (15').
- 6-1.03 Rear Yards. In all R Districts, there shall be a minimum rear yard of 20 feet.

Section 6-2. General Rules for Yards to be Observed.

- 6-2.01 On corner lots in the R Districts, there shall be a side yard along the side street of such lot of fifteen feet (15').
- 6-2.02 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').

- 6-2.03 Dwelling uses, except hotels and motels, located in B Districts must provide the yards required in the R Districts.
- 6-2.04 Those parts of existing buildings that violate yard regulations may be repaired or remodeled, but not reconstructed or structurally altered.
- 6-2.05 Churches, public buildings and institutions, when located in an R District, shall provide front, side and rear yards of twenty-five feet (25').
- 6-2.06 Required front yards shall be used only for landscaping, walkways, light standards and driveways necessary for access to the parking area. Churches and public building bulletin boards in all R Districts may be located in the front and side yards of a corner lot. Solid fences in front of a building to the property line are not permitted in any zone.
- 6-2.07 In platted subdivisions, where platted building lines have been approved by the Planning Commission, the platted building lines shall govern for front, rear and/or side yards.
- 6-2.08 When fifty percent (50%) or more of the lots on the same side of a street within the same block and within 200 feet are improved with buildings that have observed a lesser depth of front yard than specified in Subsection 6-1.01, then no portion of a new building shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed building. If there is a building upon only one side, then the front yard shall be the same as the front yard of such building, but not less than fifteen feet (15').
- 6-2.09 On any corner lot on which a front or side yard is required, no wall, fence, or other structure or any plant growth shall be permitted or maintained higher than three feet above the curb level within 20 feet of the intersection of the property line. Chain link fences up to six feet (6') high are allowed.
- 6-2.10 Fences may be erected to a height not to exceed six feet (6') along the boundaries of a lot except in an I District, provided the contractor, builder or homeowner shall first obtain a fence construction permit from the office of the Building Inspector prior to the construction of such fences and no fence shall be erected within twenty feet (20') of the intersection of the front and side property lines of a corner lot, except chain link fences. In an I District screening fences up to eight feet (8') may be erected.

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, 35 feet.

7-1.02 In the B and I Districts, 45 feet; 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, flag poles, 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 Shall Be Provided As Follows:

8-1.01 For Dwellings:

(a) There shall be one space on the lot for each one-bedroom unit, two spaces on the lot for each unit having more than one bedroom. Driveways may be used for parking spaces for single family dwellings.

8-1.02 For Motels and Hotels. 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 200 square feet of display or 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.

8-1.03 For Churches erected on new sites, one space on the lot for each six (6) seats in the main auditorium.

- 8-1.04 For Places of Public Assembly, including auditoriums and theaters, one space for each six (6) seats in the main auditorium.
- 8-1.05 For High Schools and Colleges, ten spaces per classroom.
- 8-1.06 For Hospitals, there shall be one space for each bed.
- 8-1.07 For All Commercial Uses, except those above specified, when located in a B or I District, there shall be one space for each 200 square feet of floor area.
- 8-1.08 For Industrial Uses located in an I District, there shall be one space for each two employees of maximum employed at any one time.
- 8-1.09 The required spaces may be provided on a separate lot if within 300 feet 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 minimum parking requirements of all such owners joining together.
- 8-1.10 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 for parking and maneuvering space inside the property line with entrance and exit driveways approved by the Director of Public Works.
- 8-1.11 Existing Buildings not complying with the off-street parking requirements may be remodeled, repaired and structurally altered, but any enlargement must provide the required parking spaces.
- 8-1.12 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) No more than one unit will be permitted on any specified parcel of business or residential property.
 - (2) When property is vacant, location of unit must comply with zoning setback line requirements.
 - (3) Any unit left unattended during the hurricane season must be adequately tied down.

- (b) Any area on private property normally used for automobile parking, if unit owned by guests of property owner, with the restriction that a limit of seven days on one location will be permitted with a fourteen day period required before a unit can be placed on previously occupied location.

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 not appealable to the City Council.

Section 9-1. Organization. There shall be a Board of Adjustment established and governed by Article 1011g of Vernon's Annotated Civil Statutes of Texas, 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 City Manager. 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 an administrative 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 non-conforming 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 4-4.08; provided such extension will not be adverse to the general welfare.

9-2.03 Variances. The Board shall have the power to vary the regulations of any district so as to relieve difficulties or hardships in cases where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of such regulations or restrictions, or by reason of exceptional topographical conditions, or other extraordinary and exceptional situation or condition of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property. * Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purposes of the zoning plan; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variation sought by applicants for purposes or reasons of convenience, profit or caprice.

9-2.04 The Board has no other powers than those specified in Subsections 9-2.01, 9-2.02 and 9-2.03.

Section 9-3. 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. Every variation granted or denied by the Board shall be accompanied by a written finding of facts, based on testimony and specifying the reason for granting or denying the variation. The concurring vote of four 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.

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 the sum of Twenty-Five Dollars (\$25.00) to cover the cost and expense relative thereto.

ARTICLE 10. AMENDMENT OF THE ORDINANCE

Section 10-1. The City Council may 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 Commission, at a Joint Public Hearing with the City Council, for its recommendations and report. Notice of required hearings shall be in accordance with Article 1011f, Vernon's Revised Civil Statutes. If the Commission makes no report within 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. Twenty Percent Rule. If the Commission recommends against, or if a protest against such proposed amendment, supplement, change or modification shall be presented to the City Manager, 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 200 feet therefrom, such amendment, supplement, change of modification shall not become effective except by the favorable vote of three-fourths of the members of the City Council.

Section 10.3. Fees. Before any action shall be taken as provided in this Article, the applicant for such action shall deposit with the City Secretary the sum of Twenty-Five Dollars (\$25.00) to cover the costs and expenses relative thereto.

ARTICLE 11. ADMINISTRATIVE PROCEDURES

Section 11.1. Administrative Officer. It shall be the duty of the 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 Building Inspector may be taken to the Board of Adjustment as provided in ARTICLE 9, Subsection 9-2.01.

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 & 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 in the City Hall.

Section 11-3. Certificate of Occupancy. 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 Building Inspector. 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. PENALTY FOR VIOLATION

Section 12-1. 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 is authorized and directed to institute any appropriate action to put an end to such violation.

Section 12-2. 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 and shall be liable to a fine of not more than One Hundred Dollars (\$100.00), and each day such violation shall be permitted to exist shall constitute a separate offense. 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.

ARTICLE 13. DEFINITIONS

The purpose of including definitions in this Ordinance are (1) to simplify the working of the Ordinance; and (2) to give the meaning of technical terms; and (3) to eliminate ambiguities. Words that are in common usage are not defined herein, but may be found in a standard English dictionary.

Section 13-1. 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 13-2. Words Defined.

- 13-2.01 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.
- 13-2.02 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.
- 13-2.03 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.
- 13-2.04 Alley. A public thoroughfare which customarily affords only a secondary means of access to abutting property.
- 13-2.05 Board. The Board of Adjustment established in ARTICLE 9, Section 9-1.
- 13-2.06 Build. To erect, convert, enlarge, reconstruct or structurally alter a building or structure.
- 13-2.07 Building. Any structure designed or built for the enclosure, support, shelter or protection of persons, animals, chattels or property.
- 13-2.08 Building Inspector. The City employee designated by the City Council to be responsible for the administration of the Zoning Ordinance regulations and building codes.
- 13-2.09 City. The Town of Bayside, Texas.
- 13-2.10 Commission. The Planning and Zoning Commission of the Town of Bayside, Texas.
- 13-2.11 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.

- 13-2.12 Council. The Town Council of the Town of Bayside, Texas.
- 13-2.13 District. A part of the City wherein regulations of this Ordinance are uniform.
- 13-2.14 Dwelling.
- (a) 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.
 - (b) 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.
 - (c) One-Family Dwelling. A building designed and arranged exclusively for the use and occupancy of one family.
 - (d) Two-Family Dwelling. A building designed or arranged exclusively for the use and occupancy of two families living independently of each other.
 - (e) 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.
- 13-2.15 Family. A person or persons, occupying a dwelling, living together and maintaining a common household.
- 13-2.16 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 or garages.
- 13-2.17 Frontage.
- (a) 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 deadended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
 - (b) Lot Frontage. The distance for which the front boundary line of the lot and the street line are coincident.
- 13-2.18 Height of Building. The vertical distance from the grade to (a) the highest point on a flat roof; (b) the deck line of a mansard roof, or, (c) the mean height between the eaves and the ridge of a gable, hip or gambrel roof.

- 13-2.19 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 the 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: (a) art studio, (b) dressmaking, (c) professional office of a doctor, physician, dentist, lawyer, engineer, architect, builder, accountant, salesman, real estate agent or insurance agent, (d) 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.
- 13-2.20 Lodging or Boarding House. A building other than a hotel or motel where lodging and/or meals are provided for persons for compensation.
- 13-2.21 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.
- (a) Lot Depth. The distance from the front street line to the rear line measured in the mean direction of the side lines.
- (b) Lot Width. The mean horizontal distance between the side lot lines measured at right angles to the depth.
- 13-2.22 Mobile, Manufactured, Modular or Portable Buildings. A movable or portable building constructed to be towed by a motor vehicle on its own frame or on a flat bet, to be connected to utilities after mounting on a permanent foundation and to be used for residential or business purposes. It may consist of one or more units that can be telescoped when towed and expanded later for added capacity, or of two or more units separately towable but designed to be joined into one integral unit.

- 13-2.23 Mobile Home Park. A parcel of land on which spaces for mobile homes are available on a rental basis.
- 13-2.24 Mobile Home Subdivision. A subdivision designed and intended for residential use, where residence is permitted in mobile homes or manufactured housing, each being located on a separate lot. Such subdivision may retain a central management and may be operated as a condominium retaining ownership of streets and open spaces.
- 13-2.25 Nameplate. A sign not larger than one square foot in area identifying the owner or occupant of a premises and which does not contain flashing or intermittent illumination.
- 13-2.26 Non-Conforming Use. A building or premises lawfully occupied by a use at the time of the passage of this Ordinance or amendment thereto with the use regulations of the District in which it is situated.
- 13-2.27 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 and egress for automobiles.
- 13-2.28 Premises. Land together with all buildings and structures thereon.
- 13-2.29 Recreation Vehicle. A portable structure, self-propelled or towable by another vehicle, of such size and weight as not to require a special highway movement permit, primarily designed and constructed or modified to provide temporary living quarters or for recreational camping or travel use. Recreation vehicles include travel trailers, camping trailers, truck campers and motor homes.
- 13-2.30 Recreation Vehicle Park. A parcel of land on which 10 or more spaces are used or intended for use by recreation vehicles and their occupants.
- 13-2.31 Screening Fence. A fence constructed of sufficient solid material to screen a mobile home park, junkyard or industrial area effectively from the traveling public.
- 13-2.32 Sign. Any outdoor advertising that is a structure or that is attached to or painted on a building or that is leaned against a structure or displayed on a premises. The following are types of signs, and which require building permits, except for sign in 4-6.01(e).

- (a) Ground Sign. Any sign including billboards, poster boards and bulletin boards, erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, letters, word, model sign, device, pictorial and reading matter when such sign is supported by one or more uprights; posts or braces placed upon or affixed in the ground and not attached to any part of a building or structure.

A billboard is an outdoor advertising structure which advertises a use, product or service not necessarily found on the premises. The terms "poster board" and "bulletin board" are used synonymously with billboard.

- (b) Roof Sign. Any sign erected, constructed or maintained upon the roof of any building.
- (c) Wall Sign. Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.
- (d) Marquee Sign. Any sign affixed to a marquee or canopy over the entrance to a building and supported from the building.
- (e) Sign Area. The total area of the space to be used for advertising purposes, including the space between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

- 13-2.33 Street. A public thoroughfare which affords the principal means of access to abutting property.
- 13-2.34 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.
- 13-2.35 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.
- 13-2.36 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 sideyard between the dwelling units. The term "townhouse" and townhome" are similarly defined and may be used interchangeably.
- 13-2.37 Townhouse Group. Two or more townhouses constructed as an integral part of a townhouse project.

- 13-2.38 Townhouse Project. One or more townhouse groups, together with commonly owned structures or areas.
- 13-2.39 Townhouse Subdivision. One or more townhouse projects.
- 13-2.40 Trailer. See Recreational Vehicle, 13-2.30.
- 13-2.41 Yard. An open space on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
- (a) Front Yard. An open space unoccupied by buildings across the full width of the lot extending from the front line of the building to the front street line of the lot.
 - (b) Rear Yard. An open space unoccupied, except by an accessory building or structure as herein permitted, extending the full width of the lot between the principal building and the rear lot line.
 - (c) Side Yard. An open unoccupied space on the same lot with the building between the main building and the adjacent side of the lot, and extending from the front yard to the rear yard thereof.

ARTICLE 14. VALIDITY

Section 14-1. If any section, paragraph, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

APPROVED, PASSED AND ADOPTED this the 9th day of February, 1988.

TOWN OF BAYSIDE, TEXAS


Nell Meier, Mayor

ATTEST:


Winona Johnson, Town Secretary