



City of Edgewood, Texas

"Code of Zoning Ordinances"

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Sec. 48-1. Title.

This article shall be known and may be cited as the Zoning Ordinance of the City of Edgewood, Texas.

Sec. 48-2. Purpose.

The zone regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting 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 or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; 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, of 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.

Sec. 48-3. Definitions.

For the purpose of this article certain terms and words are hereby defined. Words used in the present tense shall include the future: the singular number shall include the plural and the plural the singular. The word "building" shall include the word "structure," the word "lot" includes the word "plot," and the word "shall" is mandatory and not merely permissive or directory.

Accessory buildings and use means a subordinate building or a portion of the main building, the use of which is incidental to the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Alley means a public or private thoroughfare, which affords only a secondary means of access to property abutting thereon.

Apartment means a room or suite of rooms in a multiple dwelling, or a building in which more than one living unit is established above or on the same floor as nonresidential uses, which room or suite is intended or designed for use as a residence by one family and which includes culinary accommodations.

Apartment house means a building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking in said building, including apartments and apartment hotels.

Boardinghouse means a building other than a hotel where for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding 20 persons.

Building means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

Clinic means an office or group of offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

District means a section of the City of Edgewood, Texas, for which regulation governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling means any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, multiple-family, means a building having accommodations for and occupied exclusively by more than two families.

Dwelling, single-family, means a building having accommodations for and occupied exclusively by one family.

Dwelling, two-family, or *duplex* means a building having accommodations for and occupied exclusively by two families.

Family means one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, or hotel as herein defined.

Filling or service station means any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, or retail store, the premises are classified as a public garage or retail store.

Frontage means all 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 the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, private, means an accessory building or portion of the main use building, designed for or used for the housing of the motor-driven vehicles, which are the property of, and for the private use of the occupants of the lot on which the private garage is located. Not more than one of the vehicles may be a commercial vehicle and may not be more than 1½ tons capacity.

Garage, public, means a building or portion thereof, other than a private garage, designed or used for equipping, preparing, hiring, servicing, selling, or storing motor-driven vehicles.

Grade means:

- (1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
- (3) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from the street line shall be considered as adjoining the street. Where no sidewalk exists, the City Building Inspector shall establish the grade.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge for gable, hip and gambrel roofs.

Home occupation means any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business, and not including any occupation conducted in any building on the premises except in the building which is used by the occupant as the occupant's private dwelling. Home occupations shall include, in general, personal services such as furnished by an architect, lawyer, physician, dentist, musician, artist, and seamstress, when performed by the person occupying the building as the occupant and not including a partnership or the employment of more than one assistant in the performance of such services.

Hotel means a building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment, which are herein defined.

Lodging house means a building or place where lodging is provided (or which is equipped to provide lodging regularly) for pre-arranged definite periods for compensation, for three or more persons, in contradistinction to hotels open to transients.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this article, including one main building with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot, depth of, means the mean horizontal distance between the front and the rear lot lines.

Nonconforming use means any building or land lawfully occupied by a use at the time of passage of the ordinance from which this article is derived or amendment thereto which does not conform after the passage of the ordinance from which this article is derived or amendment thereto with the use regulations of the district in which it is situated.

Parking space means an area enclosed or unenclosed containing not less than 160 square feet exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

Story means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between the floor and the ceiling next above it.

Street means a public thoroughfare, which affords the principal means of access to abutting property.

Structural alteration means any change in the supporting members of a building, such as bearing walls of partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, poster boards, and pergolas.

Tourist court, auto court, motel, or motor lodge means a group of attached, semidetached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit and offering to the public daily as well as other longer terms rental rates, and maintaining a register of guests and/or their vehicles.

Trailer means any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place whether by motive power or other means. The term "trailer" shall include camp car and house car, motor home, travel trailer, fifth wheel, and the like. For the purposes of this article, a structure falling within this definition shall be deemed to be a single-family dwelling. (See [section 48-5](#), "R-1" One-Family Dwelling District.).

Trailer camp or trailer coach park means a lot or tract of land where facilities and accommodations are provided by the day, week, and month or for a longer period of time, for or without compensation for two or more trailers when such trailers are being used for human habitation.

Yard means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a yard, the depth of a front yard, or the depth of a rear yard, the horizontal distance between the lot line and the main building shall be used.

Yard, front, means a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies or open porch.

Yard, rear, means a yard extending across the rear of a lot, measured between the side lots, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of a lot from the front yard.

Yard, side, means a yard between the main building and the sideline of the lot, and extending from the front lot line to the rear yard line.

Sec. 48-4. Districts.

- (a) For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residents or other purposes, the City, is hereby divided into districts, of which there shall be six classes in number, and which shall be known as:

"R-1" One-Family Dwelling District.

"R-2" Multi-family Dwelling District.

"B-1" Neighborhood/Historical Business District.

"B-2" Highway/Commercial Business District.

"E" Educational District

"I" Industrial District.

- (b) The boundaries of the districts listed above are shown on the map that is on file in the office of the City Secretary and made a part of this article by reference, which map is designated as the "Zoning District Map." Said district map and all notations, references, and other information shown thereon are made a part of this article and shall have the same force and effect as if said map and said data thereon were fully set forth or described herein. Said map shall, on its face, be identified and verified in the manner following: It shall bear the title "Zoning District Map Edgewood, Texas"; **it shall bear even date with the passing of this article, it shall bear the name of the mayor; and it shall be attested by the signature of the City Secretary. The original of said map shall be kept in a proper place in the municipal building.**

- (c) Whenever any street, alley, or other public way is lawfully vacated by the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated area and thereafter all land included in said vacated area shall be subject to all applicable regulations of the extended districts. All territory hereafter annexed to the City shall be classified as "R-1" One-Family Dwelling District, until permanently zoned by the City Council. The City Planning Commission shall, as soon as practicable after annexation of any territory to the City, institute proceedings on its own motion to give the newly annexed territory permanent zoning, and the procedure to be followed shall be the same as provided by law for the adoption of original zoning regulations, except as hereinafter provided:

- (1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.
- (2) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is situated.
- (3) The minimum yards and other open spaces, including lot area per family, required by this article for each and every building existing at the time of the passage of this article, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced to an area less than the district requirements of this article.
- (4) Every building hereafter erected or structurally altered shall be on a lot as herein defined, and in no case shall there be more than one main building on one lot except as otherwise provided in this article.
- (5) The use of trailers, as such term is defined in [section 48-3](#) for living, sleeping, business, or storage purposes, is prohibited within the City.

- (6) A temporary permit for a variance from this section for a period not to exceed two weeks may be obtained from the City Administrator upon presentation of evidence of necessity satisfactory to the City Administrator.
- (7) An applicant may appeal denial of a temporary permit to the City Council.

Sec. 48-5. "R-1" One-Family Dwelling District.

The following regulations shall apply to the "R-1" One-Family Dwelling District:

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - a. Single-family dwellings.
 - b. Church (except temporary revival).
 - c. School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning.
 - d. Public parks, playgrounds, golf courses (except miniature golf); public recreation and community buildings.
 - e. Municipal buildings, nonprofit libraries, or museums, police and fire stations.
 - f. Farms, nurseries, truck gardens and greenhouses, provided no sales office is maintained.
 - g. Customary home occupations.
 - h. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), when located on the same lot, including a private garage for one or more cars, bona fide servants quarters not for rent or used for commercial purposes.
 - i. Signs.
 1. One unlighted sign, which shall not exceed one square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat wise to the building.
 2. One sign, which shall not exceed 18 square feet, for church or school.
 3. One temporary unlighted sign, which shall not exceed four square feet in area, pertaining to the lease, hire or sale of the building or premises, provided the sign is immediately removed upon the lease, hire or sale of such building or premises.
- (2) *Height regulations.* No building shall exceed 2½ stories or 35 feet in height except as provided in [section 48-11](#)
- (3) *Area regulations.*
 - a. *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 30 feet.
 - b. *Side yard.* There shall be a side yard on each side of a building of not less than ten percent of the width of the lot, but such side yard need not exceed six feet and shall not be less than five feet.
 - c. *Rear yard.* The depth of the rear yard shall be at least 30 percent of the depth of the lot, but such depth need not be more than 40 feet.
- (4) *Intensity of use.* Every lot or tract of land shall have an area of not less than 5,400 square feet and an average width of not less than 50 feet, except that if a lot or tract should have less area or width than is herein required in its boundary lines along their entire length touching lands under other ownership on the effective date of the ordinance from which this article is derived not have been changed since said date, such parcel of land may be used for a single-family dwelling.

- (5) *Additional use, height, and area regulations.* Additional use height, and area regulations and exceptions are found in [section 48-11](#)

Sec. 48-6. "R-2" Multi-family Dwelling District.

The following regulations shall apply to the "R-2" Multi-family Dwelling District:

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
- a. Any use permitted in the "R-1" One-Family Dwelling District.
 - b. Two-family or duplex dwellings.
 - c. Apartment houses or multiple-family dwellings.
 - d. Boardinghouses, lodging houses, and rooming houses.
 - e. Hospitals, excepting tubercular, liquor, narcotics, insane, feeble-minded, or animal hospitals.
 - f. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
 - g. Institutions of a religious, educational or philanthropic nature.
- (2) *Height regulations.* No building shall exceed 2½ stories or 35 feet in height.
- (3) *Yard regulations.*
- a. *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 25 feet.
 - b. *Side yard.* There shall be a side yard on each side of a building of not less than ten percent of the width of the lot, but such side yard need not exceed five feet and shall not be less than four feet.
 - c. *Rear yard.* The depth of the rear yard shall be at least 25 percent of the depth of the lot, but such depth need not be more than 25 feet.
- (4) *Intensity of use.* Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed, shall be located on lots containing the following areas:
- a. A lot on which there is erected a single-family dwelling shall contain an area of not less than 5,400 square feet.
 - b. A lot on which there is erected a two-family dwelling shall contain an area of not less than 5,400 square feet.
 - c. A lot on which there is erected an apartment house or multiple-family dwelling shall contain an area of not less than 1,800 square feet per dwelling unit.
 - d. Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of the ordinance from which this article is derived and have not since been changed, such parcel of land may be used for a single-family dwelling.
- (5) *Parking regulations.* Whenever a structure is erected, converted, or structurally altered for a two-family dwelling or a multiple-family dwelling, one parking space shall be provided and maintained on the lot for each dwelling unit in the building. Such parking space shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways.
- (6) *Additional use, height and area regulations.* Additional use, height, and area regulations and exceptions are found in [section 48-11](#)

Sec. 48-7. "B-1" Neighborhood Business District.

The following regulations shall apply to the "B-1" Neighborhood/Historical Business District:

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - a. Any use permitted in the "R-2" Multi-family Dwelling District.
 - b. Advertising signs, when the same are attached to a building and advertise only services, articles, or products which are offered within the building to which such sign is attached, and provided that such sign shall not extend above the outside walls of such building, nor more than one foot from the face of the walls of such building, nor shall it contain an area of more than 12 square feet. One freestanding sign not to exceed 24 feet in height will be allowed in the front yard provided such sign does not exceed 30 feet in area.
 - c. Automobile parking lots.
 - d. Bakeries employing not more than five persons that are completely within an enclosed building. No building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages.
 - e. Bank.
 - f. Beauty parlor.
 - g. Barbershop.
 - h. Billiard or pool hall.
 - i. Cleaning, pressing and dyeing plants employing not more than five persons each.
 - j. Clinic.
 - k. Garage, public.
 - l. Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground.
 - m. Laundries, employing not more than five persons on the premises.
 - n. Laundries, self-service.
 - o. Ice retail distributing station, no manufacturer, and capacity not to exceed five tons storage.
 - p. Job printing provided total mechanical power used in operation of such printing plant shall not exceed five horsepower.
 - q. Lodge halls.
 - r. Mortuaries.
 - s. Offices.
 - t. Radio repair and sale shops.
 - u. Radio studios.
 - v. Real estate offices.
 - w. Restaurants, cafes, cafeterias and/or taverns that are completely within an enclosed building. No building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages.
 - x. Stores and/or shops for the sale of products at retail only that conduct retail sales completely within an enclosed building. No building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages.

- y. Studios (art, photo, music).
- (2) *Height regulations.* No building shall exceed 2½ stories or 35 feet in height.
- (3) *Yard regulations.*
 - a. *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 20 feet.
 - b. *Side yard.* For uses permitted in the "R-2" district the side yard regulations for that district shall apply for the additional uses permitted in the "B-1" district. No side yards are required except that on a corner lot the side yard on a street shall be 20 feet. Where a lot is used for any of the commercial purposes permitted in this district and abutting on the side of an "R-1" or "R-2" district there shall be a side yard of not less than five feet.
 - c. *Rear yard.* For uses permitted in the "R-2" district the rear yard shall be the same as in the "R-2" district. For all other uses a rear yard is not required except when it abuts upon an "R-1" or "R-2" district, in which case there shall be a rear yard of not less than ten feet.
- (4) *Intensity of use.* For uses permitted in the "R-2" district the minimum lot area and minimum lot width shall be the same as in the "R-2" district. There are no minimum lot area or width requirements for other uses.
- (5) *Parking regulations.*
 - a. The parking regulations for dwellings are the same as those in "R-2" districts.
 - b. Where any structure is erected, reconstructed, or converted for any other business or commercial uses permitted in this section, parking spaces shall be provided in the ratio of not less than one parking space for each 200 square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within 300 feet of the building. Two or more owners of buildings may join together providing this parking space.
- (6) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in [section 48-11](#)

Sec. 48-8. "B-2" Highway/Commercial Business District.

The following regulations shall apply to the "B-2" Highway/Commercial Business District:

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - a. Any use permitted in the "B-1" Neighborhood/Historical Business District.
 - b. Automobile salesroom and accompanying service facilities.
 - c. Automobile repair garage.
 - d. Bakeries that are completely within an enclosed building. No building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages.
 - e. Billboards and poster boards.
 - f. Dance hall and skating rink.
 - g. Frozen food locker plants.
 - h. Hotel.
 - i. Moving picture house or theater.
 - j. Laundry and cleaning.
 - k. Tourist court or motel.

- l. Trailer camp or mobile home court.
 - m. Any other retail businesses not included in the Neighborhood/Commercial Business District, provided that such uses are not noxious or offensive by reason of vibrations, smoke, odor, dust, gas, noise or similar nuisance and such uses are conducted completely within an enclosed building; and all merchandise be sold at retail on the premises. No building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages.
- (2) *Height regulations.* No building shall exceed 2½ stories or 35 feet in height.
 - (3) *Yard regulations.*
 - a. *Front yard.* For uses permitted in the "R-2" district, the front yard requirements for the "R-2" district shall apply. For other uses permitted in this district a front yard of 20 feet in depth is required.
 - b. *Side yard.* For uses permitted in the "R-2" district, the side yard requirements for the "R-2" district shall apply. For other uses no side yards are required.
 - c. *Rear yard.* For uses permitted in the "R-2" district, the "R-2" district regulations shall apply. There are no rear yard regulations for other uses.
 - (4) *Intensity of use.* For uses permitted in the "R-2" district the minimum lot area and minimum lot width shall be the same as the "R-2" district. There are no minimum lot areas or lot width requirements for other uses.
 - (5) *Parking regulations.*
 - a. The parking regulations for dwellings are the same as those in the "R-2" district.
 - b. Where any structure is erected, reconstructed, or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in the ratio of not less than one parking space for each 200 square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within 300 feet of the building. Two or more owners of the building may join together to provide this parking space.
 - c. Tourist courts. At least one parking space shall be provided and maintained on the lot for each tourist court unit.
 - (6) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in [section 48-11](#)

Sec. 48-9. "E" Educational District.

The following regulations shall apply to the "E" Educational District:

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - a. Purposes of public educational instruction for Kindergarten through grade 12.
 - b. Applies to certain "Pre-school" application where an "approved" curriculum for learning exists with trained instructors; thus excluding "day-care" types of centers.
 - c. Higher learning extensions of a post High School curriculum such as a Junior College extension facility or for Regional Teacher Education.
 - d. Educational Administration use or for purposes associated with the operation of the local school district.
- (2) *Height regulations.* No building hereafter erected or structurally altered shall exceed six stories or 75 feet.
- (3) *Yard regulations.*

- a. *Front yard.* For uses permitted in the "R-2" district, the front yard requirements for the "R-2" district shall apply. For other uses no front yard is required.
 - b. *Side yard.* For uses permitted in the "R-2" district the side yard, yard requirements for the "R-2" district shall apply. For other uses there are no side yard requirements.
 - c. *Rear yard.* For uses permitted in the "R-2" district, the rear yard regulations for the "R-2" district shall apply. For other uses there are no rear yard regulations.
- (4) *Intensity of use.* For uses permitted in the "R-2" district, the minimum lot area and minimum lot width shall be the same as in the "R-2" district. There are no minimum lot area or lot width requirements for other uses.
 - (5) *Parking regulations.* The parking regulations for the dwellings and business and commercial uses are the same as those in the "B-2" district.
 - (6) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in [section 48-11](#)

Sec. 48-10. "I" Industrial District.

The following regulations shall apply to the "I" Industrial District:

- (1) *Use regulations.* Any building or premises may be used for any purpose not in conflict with any article of the City, provided that no building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages, and provided that no building or occupancy permitted shall be issued for any of the following uses until and unless the location of such use shall be approved by the City Council following a recommendation by the City Planning Commission: Such uses being:
 - a. Cement or lime manufacture.
 - b. Distillation of bones.
 - c. Explosive manufacture or storage.
 - d. Fat rendering.
 - e. Garbage offal or dead animal incineration, reduction or dumping.
 - f. Junkyards or automobile wrecking yards.
 - g. Petroleum refinery.
 - h. Slaughter and dressing of animals (not including poultry and rabbits).
 - i. Stockyards.
 - j. Wholesale storage of gasoline or other petroleum products in carload lots or more above ground.
- (2) *Height regulations.* No building shall exceed a height of six stories or 75 feet.
- (3) *Yard regulations.*
 - a. *Front yard.* For uses permitted in the "R-2" district the front yard requirements for the "R-2" district shall apply. For other uses there is no front yard requirement.
 - b. *Side yard.* For uses permitted in the "R-2" district the side yard requirements for the "R-2" district shall apply. For other uses no side yards are required.
 - c. *Rear yard.* For uses permitted in the "R-2" district the rear yard requirement for the "R-2" district shall apply. For other uses there is no rear yard requirement.
- (4) *Intensity of use.* For uses permitted in the "R-2" district the minimum lot area and minimum lot width shall be the same as in the "R-2" district. There are no minimum lot area or lot width requirements for other uses.

- (5) *Parking regulations.* The parking regulations for the dwellings are the same as those in the "R-2" district.
- (6) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in [section 48-11](#)

Sec. 48-11. Additional use, height, and area regulations and exceptions.

(a) *Use regulations.*

- (1) *Accessory buildings.* No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used. No accessory building or structure shall be erected, converted or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods and/or beverages.
- (2) *Railroad right-of-way.* On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad trackage and accessories to railroad movement may be constructed or maintained.

(b) *Height regulations.*

- (1) Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for every two feet additional height above the height limit otherwise provided in the district in which the building is located.
- (2) Chimneys, cooling towers, elevator bulk heads, fire towers, grain elevators, flour mills, monuments, stacks, or scenery lofts, tanks, water towers, ornamental towers, and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City, provided that in the absence of any such ordinances there shall be no height limitations of these structures.

(c) *Area and density regulations.*

- (1) In a district in which commercial or industrial buildings are built with one or more stories for residential purposes above the commercial or industrial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two rooms deep from front to rear.
- (2) No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features which may project into such yards a distance of not more than two feet.
- (3) Open, unenclosed porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six feet.
- (4) Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required side yard, provided these projections be distant at least two feet from the adjacent side lot line.
- (5) Front yard.
 - a. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings

shall not be erected closer to the street than the front yard so established by the existing buildings.

- b. Where 40 percent or more of the frontage on one side of a street between two intersection streets is developed with buildings that have not observed a front yard as described above, then:
 1. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides; or
 2. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

- c. Vision clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign, or other structure, or any plant growth shall be permitted or maintained higher than two feet above the curb level within 15 feet of the intersection of the property lines.

(6) Side yards.

- a. The minimum width of a side yard of a corner lot in the "R-1" and "R-2" districts shall be not less than ten feet provided that if the street side line of a corner lot is in the same block frontage with lots, whose street line is a front of such lots, the side yard shall extend to the average alignment of the buildings along the same line of the street, unless such buildings are more than 25 feet back from the street line, in which case the side yard need not be more than 25 feet.
- b. A side yard of not less than 25 feet on the side of a lot adjoining on an "R-1" or "R-2" district shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semi-public buildings hereafter erected or structurally altered.
- c. Where a lot in the "B-2", or "I" district is not used for residential purposes and abuts upon "R-1" or "R-2" district, a side yard shall be provided of not less than five feet.
- d. Garages detached or attached to the main use building entering on the side street of a corner lot shall maintain a side yard of 20 feet in front of the garage.

(7) Rear yard.

- a. In the "R-1" or "R-2" districts accessory buildings shall not occupy more than 30 percent of the required minimum rear yard area. Accessory buildings shall be a minimum of 12 feet from the main use building. In "R-1" and "R-2" districts no accessory building shall be more than one story in height.
- b. In computing the depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required yard.

Sec. 48-12. Nonconforming uses.

- (a) *Nonconforming use of land.* The nonconforming use of land where no building is involved existing at the time of the passage of the ordinance from which this article is derived may be continued for a period of not more than two years therefrom, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with regulations of the district in which it lies.
- (b) *Nonconforming use of buildings.*

- (1) Except as otherwise provided in this article, the nonconforming use of a building existing at the time the ordinance from which this article is derived becomes effective may be continued and the use of a nonconforming building may be changed to another use of the same or more restricted classification; but where such uses change to a more restricted classification, it shall not thereafter be changed back to a use of less restricted classification. A nonconforming building which is or may hereafter become vacant and which shall remain unoccupied or its nonconforming use discarded for a continuous period of one year shall not thereafter be occupied except by a use which conforms to regulations of the district in which it is located. A nonconforming building may be maintained or kept in good repair except as otherwise provided in this section. No existing nonconforming building may be enlarged, extended, reconstructed or altered unless its use is changed to a use permitted in the district in which such building is located except in the event such enlargement, extension, reconstruction, or alteration is required by a court decision, law, or ordinance.
- (2) No nonconforming building shall be moved in whole or in part to any other location on the lot unless every portion of such building is made to conform to all regulations of the district in which it is located. A nonconforming building which is damaged by fire, explosion, flood, wind, earthquake or other calamity or act of God or public enemy to the extent of 50 percent or more of its reasonable value may not be restored except in conformity with the regulations of the district in which it is located.
- (c) *Prohibited uses.* The following uses now in existence and not in a strict conformity with the provisions of the district in which it is located are hereby prohibited and such uses in existence in the City, shall be altered, replaced, or removed to conform to the provisions of the ordinance from which this article is derived on or before the date shown in the following schedule:
 - (1) Billboards and poster boards: One year from date of enactment.
 - (2) Junkyards and automobile wrecking yards: One year from date.
 - (3) Mobile homes: One year from date.

Sec. 48-13. Permits.

No permit for the erection, alteration, or enlargement of any building shall be issued by the building inspector unless there first be filed in the building inspector's office by the applicant therefor a plat, drawn to scale and in such form as may be prescribed by the said building inspector, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building to be erected, altered, or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building is arranged, intended or designed, and furnishing such other information as the building inspector may require in the enforcement of the provisions of this article, and any failure to comply with the provisions of this article shall be good cause for the revocation of any such building permit by the building inspector. A record of such application and plat shall be kept in the office of the building inspector.

Sec. 48-14. Community unit plan.

- (a) The owner of any tract of land in the City comprising an area of not less than ten acres may submit to the City Building Inspector a plan for the use and development of the entire tract of land for residential purposes. The development plan shall be referred to the City Planning Commission for study, public hearing, and report. The commission's recommendations and report together with the plan shall be submitted to the City Council within 30 days for consideration and action.
- (b) The recommendations and report by the City Planning Commission shall contain specific evidence and facts showing whether or not the proposed project meets the following conditions:

- (1) The property adjacent to the area included in the plan will not be adversely affected.
 - (2) The plan is consistent with the intent and purposes of this article to promote public health, safety, morals, and general welfare.
 - (3) The buildings will be used only for the purposes provided for in the "R-1" and "R-2" districts.
 - (4) The average lot area per family contained in the site, exclusive of the area occupied by streets, will be not less than the lot area per family required in the district in which the development is located.
- (c) If the City Council approves the plan, building permits and certificates of occupancy may be issued even though the use of the land and the location of the building to be erected in the area and the yards open spaces contemplated by the plan do not conform in all respects to the district regulations of the district of which it is located.

Sec. 48-15. Neighborhood shopping center.

- (a) The owner of any tract of land comprising an area of not less than 2½ acres and not lying within a business district may submit a development plan for a neighborhood shopping center. Such application shall be processed in accordance with the provisions of [section 48-18](#)
- (b) The City Planning Commission may recommend to the City Council that such application be approved if the application conforms to the following:
 - (1) The uses permitted in the center be limited to those limited to those of the "B-1" Neighborhood Business District as listed in [section 48-7](#)
 - (2) The entire development be designed as a single architectural unit with appropriate landscape and architectural treatment of the entire area.
 - (3) At least four times the gross floor area of the stores included in the development is provided in off-street parking areas as integral parts of the design of the unit plan.
 - (4) The appropriate use of property adjacent to the area included in the plan will be fully safeguarded, and to this end the City Council may make such requirements, as it deems necessary.
 - (5) Satisfactory evidence shall be submitted that the automobile parking areas and the landscaped areas be properly constructed and maintained.
 - (6) The plan is consistent with the intent and purposes of this article to promote the public health, safety, and general welfare.

Sec. 48-16. Certificate of occupancy.

- (a) No vacant land shall be occupied or used except agricultural uses until the building inspector shall have issued a certificate of occupancy.
- (b) No premises shall be used and no buildings hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the building inspector according to the laws and the provisions of these regulations.
- (c) Certificates of occupancy and compliance shall be applied for coincidental with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building inspector.
- (d) No permit for occupation for any building shall be issued before application has been made for certificate of occupancy and compliance.

(e) A certificate of occupancy shall be required of all nonconforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed within 12 months from the effective date of the ordinance from which this article is derived with the building inspector.

Sec. 48-17. Boundaries of districts.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this article, the following rules apply:

- (1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map on file in the City Secretary's office and made a part of this article are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map on file in the City Secretary's office and made a part of this article are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In subdivided property, the district boundary lines on the map accompanying and made a part of this article shall be determined by use of the scale appearing on the map.

Sec. 48-18. Board of Adjustment, establishment and power; appeals.

- (a) A Board of Adjustment is hereby established.
- (b) The Board of Adjustment shall consist of the members of the City Council, who have authority to act as a Board of Adjustment pursuant to V.T.C.A., Local Government Code § 211.008. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- (c) The board shall adopt rules in accordance with the provisions of this article. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson or, in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.
- (d) Appeals.
 - (1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the building inspector. **Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee of \$3.00 to the county tax collector, at the time the notice is filed,** which shall be credited to the general fund of the City. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment

or by a court of record on application or notice to the officer from whom the appeal is taken and on the cause shown.

- (2) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (e) The Board of Adjustment shall have the following powers:
- (1) 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 article.
 - (2) When a property owner can show that a strict application of the terms of this article relating to the use, construction or alteration of buildings or structures or the use of land will impose practical difficulties or particular hardship, the board may consider and allow variations of the strict application of the terms of this article if the variations are in harmony with the general purpose and intent of this article and the board is satisfied, under the evidence heard by it, that a granting of the variation would not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan.
 - (3) The board may authorize a variance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the time of the adoption of the ordinance from which this article is derived or by reason of exceptional topographical conditions or other extraordinary exceptional situation or condition of a specific piece of property, the strict application of a provision of this article would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this article.
 - (4) Special exceptions. When in its judgment the public convenience and welfare will not be substantially or permanently injured, the Board of Adjustment may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations herein established as follows:
 - a. Permit a transitional use between a business or industrial district in a dwelling district where the side of a lot in a one-family district or a two-family district abuts upon a lot zoned for business or industrial purposes as follows: On a lot in a single-family dwelling district which sides upon a lot zoned for business or industrial purposes, the board may permit a two-family dwelling.
 - b. Permit the extension of a building or use into a more restricted district, immediately adjacent thereto, but not more than 50 feet beyond the boundary line of the district in which such building or use is authorized.
 - c. Grant undeveloped sections of the City conditional permits for not more than two years. The granting or existence of such a conditional permit shall not be reason for extension of such permit.
 - d. Permit such modification of yard open space, lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land, if such parcel is separately owned at the time of the original passage of the ordinance from which this article is derived or subsequent annexation of the City and is of such restricted area that it cannot be appropriately improved without such modification.
 - e. Determine in cases of uncertainty the classification of any use not specifically named in this article.

f. Grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divided a lot in a single ownership at the time of the adoption of the ordinance from which this article is derived.

g. Permit as an accessory use as a parking area that shall not be more than 50 feet in width to be used for parking passenger automobiles on a lot in a single-family, duplex, or apartment house district adjoining or across the street from the primary residence in an "R-1" or "R-2" district, subject, however, to the following provisions:

1. The area shall be properly enclosed with a hedge, screen, fence, wall or other suitable enclosure having a height of not less than three feet nor more than six feet. Such fence or enclosure shall conform to the front yard regulations of the district in which it is located.
2. The area shall be paved.
3. No parking of vehicles shall be permitted within six feet of any adjoining lots on which is located a single-family residence, duplex, or multiple dwelling.
4. One sign not exceeding two and one-half square feet in area may be erected identifying the one lot.
5. No changes may be made for parking and no other business use may be made of the lot.
6. Any light used to illuminate said parking area should be so arranged as to direct the light away from the adjoining premises used for residential purposes.

h. Permit the reconstruction of a building occupied by a nonconforming use, or permit the extension of a nonconforming use of building upon the lot occupied by such use or building at the time of the passage of the ordinance from which this article is derived.

- (5) Any appeal or permit granted by the Board of Adjustment shall not be valid if construction authorized by said permit is not begun within a period of 60 days.
- (6) In exercising the above methods and powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, 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, and to that end shall have all powers of the officer from whom the appeal is taken.
- (7) In considering all appeals and all proposed variations to this article the board shall, before make any finding in a specific case, first determine that the proposed variation will not constitute any change in the district map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, and welfare of the City.
- (8) Every variation granted or denied by the board shall be accompanied by a written order that is based on sworn testimony and evidence specifying the reason for granting or denying the variation.

State law reference— Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.

Sec. 48-19. Changes and amendments.

- (a) The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.

- (b) Before taking any action on any proposed amendment, supplement or change, the City Council shall submit the same to the City Planning Commission for its recommendation and report.
- (c) The City Planning Commission hearing requirements shall be as required in [section 2-253](#) and in V.T.C.A., Local Government Code §§ 211.006 and 211.007

State law reference— Procedures governing adoption of zoning regulations and district boundaries, V.T.C.A., Local Government Code § 211.006.

Sec. 48-20. Enforcement and penalty for violation.

- (a) It shall be the duty of the building inspector to enforce the provisions of this article, and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of said article.
- (b) In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land is used in violation of the article, the building inspector is authorized and directed to institute any appropriate action to put an end to any such violation.
- (c) Any person or corporation who shall violate any of the provisions of this article 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 a misdemeanor and shall be liable to a fine of not more than \$2,000.00 and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises, or part thereof, where anything in violation of this article shall be placed, or shall exist, and any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have 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.

Sec. 48-21. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this article they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, propriety and general welfare. It is not intended by this article to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this article which shall be adopted or issued pursuant to law relating to the use of building or premises and likewise not in conflict with this article; nor is it intended by this article to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that, if this article imposes a greater restriction, this article shall control.

Sec. 48-22. Validity.

- (a) If any section, paragraph, subdivision, clause, or phrase of provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.
- (b) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 48-23. Special use permits.

- (a) *Purpose.* The City Council may by ordinance, adopted by a majority of affirmative votes after public hearing and proper notice to all parties affected, and after receiving the recommendation of the City Planning Commission, grant a special use permit zoning classification in compliance with this section for the special uses as listed in subsection (c) below. The City Council may impose appropriate conditions and safeguards, including a

specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood. The zoning change application shall be accompanied by a written plan showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets, the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The City Planning Commission or City Council may require information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

(b) *Regulations.*

- (1) In recommending that a special use permit for the premises under consideration be granted, the Planning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space landscaping, heights of structures, and compatibility of buildings, as necessary.
- (2) Every special use permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration, but shall not be considered as a permanent change in zoning. If the building, premises, or land uses under the special use permit is voluntarily vacated or if the ownership is voluntarily transferred, or if such building, premise, or land is more than 50 percent destroyed by fire or other cause, the use of the property shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate special use permit is granted for continuation of the use.
- (3) Integral to granting a special use permit, the City Council may impose mandatory conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of any building on the property.
- (4) At the time of application, the building plans and a detailed drawing showing the property lines, building or structure location, fences, foundation elevations, drainage requirements and proposed utility connections and set-back lines will be required, unless waived by the City.
- (5) Unless the City Council has authorized an extension of time upon recommendation by the planning commission, a building permit shall be applied for and secured within six months from the time of granting the special use permit.
- (6) No building, premises, or land in which a special use permit has been granted may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate special use permit is granted for such enlargement, modification, structural alteration, or change.

(c) *General special uses.* The following listed special uses and those indicated in a specific zoning district as a permitted use with a special use permit, and none other, may be authorized subject to the terms of this section and compliance with all special use terms, regulations and requirements established by the City Council.

- (1) Commercial, recreational or amusement development for temporary or seasonal periods.
- (2) Recreational vehicle park for temporary periods or seasonal periods (no retail sales allowed, except for state-recognized and dedicated charitable organizations on a case by case basis and not to exceed three consecutive days). A recreational vehicle means any travel trailer, pickup camper, motor home, camping trailer, tent trailer, or similar vehicle that is designed for human habitation.
- (3) Privately-operated community building or recreation field.

- (4) Contractor's temporary on-site construction office (only with a permit from the City Building Official).
 - (5) Governmental building or use (state or federally owned and operated).
 - (6) Municipal use owned or operated by the City, including libraries.
 - (7) Park and/or playground (public or private).
 - (8) Charitable organizations, other than churches.
 - (9) Rodeo arena or other outdoor sporting arena.
 - (10) Daycare center, day nursery or day camp for children.
- (d) *Procedure.* Before authorization of any of the above special uses, public notice shall be given and public hearings shall be held as provided in V.T.C.A., Local Government Code §§ 211.006 and 211.007 for the planning commission and City Council. The City Council shall vote to either grant or deny the special use permit only after a public hearing is held by City Council and after City Council's receipt of the recommendation made by the planning commission that discusses the effect of the proposed use on the adjacent and neighboring properties and neighborhoods. As a condition of granting a special use permit for uses set forth in subsection (c)(1) or (c)(2) of this section, time limitations shall be considered on a permit by permit basis.
- (1) *Permit required.* No special use shall be established, operated or maintained, except as authorized by a special use permit issued in accordance with the requirements of this section.
 - (2) *Special use permit issued by City Council.* A special use permit may be issued only for the special uses specified in this section, and only for the district where it is authorized.
 - (3) The City Council shall determine whether the proposed special use complies with each of the general criteria set forth in subsection (e) of this section and with each of the criteria for the district applicable to the proposed use and shall make separate findings or adopt the findings made by the Planning Commission.
 - (4) The City Council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to assure compliance with the criteria.
 - (5) *Application.* An application for a special use permit shall be made in writing in a form prescribed by the City Building Official and shall be accompanied by such information as may be requested (including the building plans, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.
- (e) *General criteria applicable to all special uses.* A proposed special use permit must comply with all the following criteria:
- (1) The appearance, size, density and operating characteristics of the proposed special use must be compatible with the surrounding neighborhood and uses;
 - (2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;
 - (3) The proposed use will not create a nuisance nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;
 - (4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and
 - (5) The proposed use must comply with all other applicable City ordinances and regulations.

Sec. 48-24. Penalty for violation.

Any person who shall violate any of the provisions of this section or fail to comply with any of the requirements contained in this section, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved in this section shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000.00 for each offense and each day any violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises, or part thereof, where anything in violation of this section shall be placed, or shall exist, and any architect, engineer, builder, contractor, agent, person or corporation employed in connection with this section and who may have assisted in the commission of any violation shall be guilty of a separate offense and upon conviction shall be fined as provided in this section.

Secs. 48-25—48-47. Reserved