

ORDINANCE NO. 10-19-2015

AN ORDINANCE ESTABLISHING COMPREHENSIVE, ZONING REGULATIONS FOR THE CITY OF SEAGRAVES, TEXAS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 1011 THROUGH 1011h, VERNON'S CIVIL STATUTES FOR THE STATE OF TEXAS, 1948, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS Sections "A" through "H" of Article 1011, 1925 Revised Civil Statutes' of Texas, as amended, being Acts of 1927, 40th Legislature, page 424, Chapter 283, and all amendments thereto and amendments which may hereafter be made there to, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the city to enact such an ordinance, and

WHEREAS the City Council, pursuant to the provisions of the above stated Article 1011, has appointed a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the Zoning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets: to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over- crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS all requirements of the above stated Article 1011, with regard to the preparation of the report of the Zoning Commission and subsequent action of the City Council have been met;

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SEAGRAVES, TEXAS:

**SECTION 1. ESTABLISHMENT OF DISTRICTS:  
PROVISIONS FOR OFFICIAL ZONING MAP**

1. Official Zoning Map - The city is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance Number 10-19-2015 of the City of Seagraves, Texas," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and the above stated Article 1011, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows:

"On (date) by official action of the City Council, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City

Secretary. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 16.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Secretary shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

2. Replacement of Official Zoning Map - In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted October 3<sup>rd</sup>, 1938 as part of Ordinance No. 25 of the City of Seagraves, Texas."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**SECTION 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDRIES**

Where uncertainty exists as to the boundaries of districts as shown on the

Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following rail road lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections I through 5 above, the Board of Adjustment shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

### **SECTION 3. APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided;

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in

conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:
  - a) to exceed the height or bulk;
  - b) to accommodate or house a greater number of families;
  - c) to occupy a greater percentage of lot area;
  - d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any other manner contrary to the provisions of this ordinance.
3. No part of a yard, or other open space, of off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
5. All territory which may hereafter be annexed to the city shall be considered to be in the (specify district, usually single-family) until otherwise classified.

**SECTION 4. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND NON-CONFORMING CHARACTERISICS OF USE**

1. Intent - Within the districts established by this ordinance or amendments that may later be adopted there exist

- a) lots,
- b) structures,
- c) uses of land and structures, and
- d) Characteristics of use

Which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. Non-Conforming Lots of Record - In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of

continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

3. Non-Conforming Uses of Land (OR Land with Minor Structures Only)

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

b) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

c) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by

this ordinance for the district in which such land is located.

d) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

4. Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

b) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;

c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Non-Conforming Uses of Structures and Premises in Combination -If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the



district in which it is located;

b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;

c) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

d) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

e) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government-action impedes access to the premises), the structure; or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

f) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

6. Repairs and Maintenance - On any non-conforming structure or portion of a structure containing a non-conforming use, work may be

done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. Uses Under Special Exception Provision Not Non-Conforming Uses - Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

## **SECTION 5. SCHEDULE OF DISTRICT REGULATIONS ADOPTED**

District regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and in Section 6 of this ordinance, entitled "Supplementary District Regulations."

## **SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS**

- 1 Visibility at Intersections in Residential Districts - On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision

between a height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

- 2 Fences, Walls and Hedges - Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over 3 feet in height and shall not extend over the lot lines.
- 3 Accessory Buildings- accessory buildings may be erected in any rear yard, providing the accessory building meets requirements and shall not be built over existing gas piping, continuous concrete foundations laid over existing sewer plumbing, the plumbing shall be minimum Schedule 40 PVC. Accessory building shall be no less than (10) ten feet from principal dwelling and shall be a minimum of 3 feet from side lot lines, have no protruding elements overhanging lot lines. On corner lots, accessory building shall be in line with dwelling or required setback on street side.
- 4 Erection of More than One Principal Structure on a Lot - In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.
- 5 Exceptions to Height Regulations - The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances are usually required to be placed above the roof level and not intended for human occupancy.
- 6 Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire

protection, and required off-street parking.

- 7 Parking, Storage, or Use of Major Recreational Equipment - For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- 8 Parking and Storage of Certain Vehicles - Automotive vehicles or trailers of any kind or type without current registration shall not be parked or stored on any residentially-zoned property other than in completely enclosed buildings.
- 9 Carports and Garages - Carports shall not be erected closer than 5 feet to front lot line and roof overhang shall not exceed 4 feet from support structure closest to the front lot lines. Carports shall not be closer than three (3) feet to side lot line. Enclosed garages shall not be closer than ten (10) foot from front lot line and (5) five feet from side lot lines. Enclosed garages shall have a minimum of (1) one entrance directly into the attached dwelling.

**SECTION 7. ADMINISTRATION AND ENFORCEMENT;  
BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE**

- 1 Administration and Enforcement - An administrative official designated by the City Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the administrative official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

2 Building Permits Required- No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

3 Application for Building Permit - All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed use of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

4 Certificates of Zoning Compliance for New, Altered, or Non-Conforming Uses - It shall be unlawful to use or occupy or permit the use or

occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the purposed use of the building or land conforms to the requirement of this ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this ordinance, owners or occupants of non-conforming uses or structures shall have three months to apply for certificates of zoning compliance. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Section 16 of this ordinance.

5 Expiration of Building Permit - If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; if the work described in any building permit is not completed with-

in a reasonable time of that designated for completion in the permit, the permit shall expire by limitation and be void.

The administrative official shall cancel the permit, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

- 6 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance - Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorizes only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 16 hereof.

## **SECTION 8. BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE**

A Board of Adjustment is hereby established, which shall consist of five members to be appointed by the City Council, each for a term of three years. Members of the Board of Adjustment may be removed from office by the City Council for cause up on written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

- 1 Proceedings of the Board of Adjustment - The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence; the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment 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 and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

- 2 Hearings; Appeals; Notice - Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- 3 Stay of Proceedings - An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause Imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

## **SECTION 9. THE BOARD OF ADJUSTMENT: POWERS AND DUTIES**

The Board of Adjustment shall have the following powers and duties:



- 1 Administrative Review - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.
  
- 2 Special Exceptions: Conditions Governing Applications; Procedures - To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:
  - a) A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested; an opinion survey shall be mailed to property owners within 1000 feet surrounding property requesting variance. The opinion survey shall include the details of variance and a yes and no answer indication for the variance. A self-stamped- self-addressed envelope shall be included within 15 days of public hearing.
  - b) Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one other public place at least 15 days prior to the public hearing;
  - c) The public hearing shall be held. Any party may appear in person, or by agent or attorney;
  - d) The Board of Adjustment shall make a finding that it is

empowered under the section of this ordinance described in the application to grant the special exception~ and that the granting of the special exception will not adversely affect the public interest.

- e) Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:
- 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - 2) off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
  - 3) refuse and service areas, with particular reference to the items in (1) and (2) above;
  - 4) utilities, with reference to locations, availability, and compatibility;
  - 5) screening and buffering with reference to type, dimension, and character;
  - 6) signs, if any, and proposed exterior lighting with reference to glare, traffic safety economic effect, and compatibility and harmony with properties in the district;
  - 7) required yards and other open space;
  - 8) general compatibility with adjacent properties and other property in the district;

3 Variances; Conditions Governing Applications; Procedures- To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a variance is submitted demonstrating:
  - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - 2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - 3) That the special conditions and circumstances do not result from the actions of the applicant;
  - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- b) Notice of public hearing shall be given as in Section 9 (2) (a and b) above;
- c) The public hearing shall be held. Any party may appear in person, or by agent or-by attorney;

- d) The Board of Adjustment shall make findings that the requirements of Section 9 (3) (a) have been met by the applicant for a variance;
- e) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- f) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- 4 Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official - In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, 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 the powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official or to decide in favor of the applicant on any matter upon

which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

**SECTION 10. APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Texas.

**SECTION 11. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT.**

**CITY COUNCIL, AND COURTS ON MATTERS OF APPEAL**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the City Council shall have only the duties;

- 1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and
- (2) of establishing a schedule of fees and charges as stated in Section 12, below.

**SECTION 12. SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning

compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### **SECTION 13. AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 1000 feet therefrom, or of those directly opposite thereto, extending 1000 feet from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of 80 percent of the City Council.

### **SECTION 14. PROVISIONS OF ORDINANCE DECLARED TO BE INIMUM REQUIRERIENTS**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

### **SECTION 15. COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint. Immediately investigate and take action thereon as provided by this ordinance.

## **SECTION 16. PENALTIES FOR VIOLATION**

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

## **SECTION 17. SEPARABILITY CLAUSE**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

## **SECTION 18. DEFINITIONS**

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual(s).

The present tense includes the future tense the singular number includes the

plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words lot or plot, parcel, or property.

Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Buildable Area - the portion of a lot remaining after required yards have been provided.

Carports- a roof covered structure meant to house vehicles, no sides shall be permitted that are more than two-thirds closed. In no case, open area less than seven (7') feet.

Drive-In Restaurant or Refreshment Stand - any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customer's may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Single-Family - a detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Mobile Home - a manufactured, detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Modular Home, (Ready-Built-Pre-Fabricated)- a manufactured residential dwelling designed to be transported on streets or highways on flat beds or trailers arriving at a pre-approved lot site, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. Modular Homes shall be considered as a Mobile Home.



Dwelling, Two Family- a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple-Family - a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number, of dwelling units provided.

Dwelling Unit - one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Family - one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Filling Station - buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where in addition the following services may be rendered and sales made, and no other:

- a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts.
- b) Tire servicing and repair, but not recapping or re-grooving.
- c) Replacement of mufflers, and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- d) Radiator cleaning and flushing.
- e) Washing and polishing, and sale of automotive washing and polishing materials.
- f) Greasing and lubrication.
- g) Providing and repairing fuel pumps, oil pumps, and lines.

- h) Minor servicing and repair of carburetors.
- i) Emergency wiring repairs.
- j) Adjusting and repairing brakes
- k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l) Sales of cold drinks, packaged foods, tobacco and similar convenience goods for filling station's customers as accessory and incidental to principal operation.
- m) Provision of road maps and other informational material to customers; provision of rest room facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Home Occupation - an occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such operation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.

- d. No home occupation shall be conducted in any accessory building.
- e. There shall be no sales in connection with such home occupation.
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Loading Space, Off-Street - space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - for purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a) A single lot of record;
- b) A portion of a lot of record;
- c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

e) Lot Frontage- the front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be" considered frontage, and yards shall be provided as indicated under Yards in this section.

### Lot Measurements

a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80 percent requirement shall not apply.

Lot of Record - a lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - the diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:

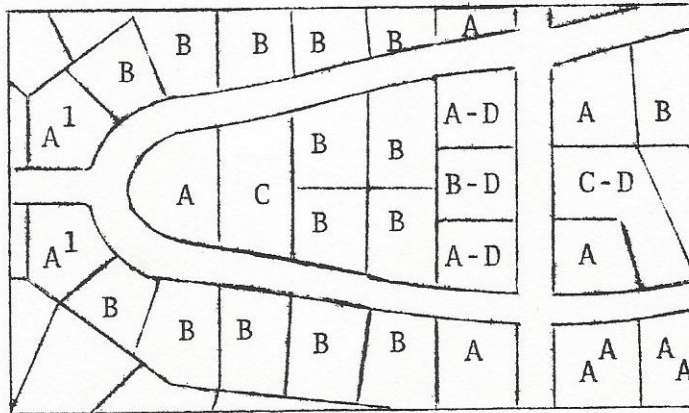


Figure 1

In the diagram,

A = corner lot, defined as a lot located at the intersection of two or more streets; A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D), or a through (C-D).

Outdoor Advertising Business - Provision of outdoor displays or display space on a lease or rental basis only.

Parking Space, Off-Street - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with

room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and un-parked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Sign - any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- c) Legal notices, identification~ informational, or directional signs erected or required by governmental bodies;
- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Number and Surface Area - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements,

each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, On-Site - a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site - a sign other than an on-site sign.

Special Exception - a special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Street Line - the right-of-way line of a street.

Structure - anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster boards or panels.

Travel Trailer - a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Variance - a variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces: establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-

conformities in the zoning district or uses in an adjoining zoning district.

Yard - a required open space other than a court unoccupied and obstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front - a yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

(1) at least one front yard shall be provided having the full depth required generally in the district;

(2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right Angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

Yard, Side - a yard extending from the rear line of the required front yard to the



rear lot line~ or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half- depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side- lot line.

Yard, Rear - a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special - a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

## **SECTION 19. REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE**

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on October 19, 2015.

## **SCHEDULE OF DISTRICTS**

**SECTION I. ESTABLISHMENT OF DISTRICTS**

In order to regulate and restrict the-locations of trades and industries and the location of buildings "erected or altered for specified uses, and to regulate and limit the height and bulk of the buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the City of Seagraves is hereby divided into districts of which there shall be seven (7) known as:

- "R-1" - One-Family District
- "R-2" - Two-Family District
- "R-3" - Apartment District
- "M-H"- Manufactured Home
- "C-I" - Neighborhood Commercial District
- "C-2" - Business District
- "M-I" - Industrial District

The districts aforesaid and the boundaries of such districts are shown upon the map accompanying and a part of this ordinance, being designated as "Official Zoning Map" and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described here- in.

**SECTION II. "R-1" - ONE-FAMILY DISTRICT**

- A. Use Regulation: In the R-1 district, no building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:
  1. Single-family dwellings.
  2. Church (except temporary revival).
  3. School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning.

4. Public parks, playgrounds, golf courses (except miniature), public and community buildings.
5. Municipal buildings, non-profit libraries or museums, police and fire stations, and other city installations.
6. Customary home occupations, when situated in the same dwelling, such as the office of physician or dentist, but excluding any type of business which trades in any kind of commodities or makes any type of retail sales, and especially excluding beauty shops, barber shops, book and stationary sales, and the sale or service of food in any form.
7. Farms, nurseries, gardens, greenhouses, provided no sales are made and no sales office is maintained.
8. 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 servant's quarters not for rent or used for commercial purposes. Detached accessory buildings shall be not less than sixty (60) feet from the front lot line and ten (10) feet from the main use building.

B. Signs: The following signs shall be permissible in this district:

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 to the building.
2. One sign, which shall not exceed fifteen (15) square feet in area, for church or school.
3. One sign, which shall not exceed four (4) square feet in area, for temporary unlighted sign pertaining to the lease, hire or sale of building or property upon which it is located provided the sign is immediately removed upon the lease, hire or sale of such building or property.

C. Height Regulations: No building in this district shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height. See SECTION 8 for special

exceptions.

D. Area Regulations: The following regulations of area shall apply in this district:

- 1 Front Yard - There shall be a front yard of not less than twenty-five (25) feet to the front line of the building on all lots. On corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern, and a second front (or side) yard shall be provided on the other frontage which is one-half the depth required for the front yard . See SECTION 8 for special exceptions.
- 2 Rear Yard - There shall be rear yard having a depth of not less than twenty-five (25) percent of the total lot depth, but such rear yard need not be more than twenty-five (25) feet deep. Accessory buildings not exceeding one story in height may occupy as much as forty (40) percent of a required rear yard. Accessory buildings exceeding one story in height may occupy as much as thirty (30) percent of a required rear yard, provided however that no part of an accessory building may extend over the rear property line or be within 12 foot of the dwelling.
- 3 Side Yard - on interior lots there shall be a side yard on each side of a building having a width of not less than five (5) feet. Side yard for corner lots shall be not less than five (5) feet on the interior side, and shall be as provided in (1) above for the other side. Accessory buildings may be built within three (3) feet of the property line on interior lots, and within ten (10) feet of the property line on the street side of corner lots. See SECTION 8 for special exceptions.
- 4 Lot Area Per Family - Every lot or tract of land shall have an area of not less than seven thousand (7,000) square feet and an average width of not less than fifty (50) feet.

### **SECTION III. "R-2" - TWO-FAMILY DISTRICTS**

- A. Use Regulation: In the R-2 district, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:
1. Any use permitted in the R-1 district.
  2. Two-family or duplex dwellings.
  3. Kindergarten, play-schools, day nurseries, voice and music instruction
  4. Accessory buildings, same as required in R-1 district.
- B. Signs: Same as required for R-1 district.
- C. Height Regulation: Same as required for R-I district.
- D. Area Regulations: Same as required for R-1 district, except that lot area required per family shall be 3,500 square feet, with an average lot width of not less than fifty (50) feet.

### **SECTION IV. "R-3" - APARTMENT DISTRICT**

- A. Use Regulations: In the R-3 district, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:
1. Any use permitted in the R-2 district.
  2. Apartment houses or multiple family dwellings.
  3. Boarding, lodging or rooming houses.
  4. Hotels, in which incidental business may be conducted for the sole convenience of the occupants of the building provided however there shall be no entrance to such place of business except from the inside of the building.

5. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
6. Hospitals, excepting those for tubercular, liquor, narcotic, feeble-minded and insane persons, and animal hospitals.
7. Institutions of an educational or philanthropic nature, other than those of a correctional nature, or for mentally challenged cases.
8. Accessory buildings and uses customarily incident to any of the above uses, when located on the same lot and not involving the conduct of a business.

B. Signs: Signs permissible in the district include name plates not exceeding two (2) square feet in area, containing the name and occupation of the occupant of the premises. And sign not exceeding twelve (12) square feet in the area appertaining to the sale or rental of property on which it is located, provide however that no name plate nor advertising sign of any other character shall be permitted in this district.

C. Height Regulation: No building hereafter erected or structurally altered shall exceed five (5) stories or sixty (60) feet in height. See SECTION 8 for special exceptions.

D. Area Regulations:

Front Yard - Same as required for R-1 district.

Rear Yard - Same as required for R-1 district.

1. Side Yard - For buildings not exceeding two and one-half (2-1/2) stories in height, the side requirements shall be the same as required in the R-1 district. For buildings more than two and one-half (2-1/2) stories in height, each side yard shall be increased one (1) foot in width for each additional story above the second floor.

2. Lot Area per Family - Every building hereafter erected or

structurally altered shall provide not less than four thousand (4,000) square feet of lot area for one family, five thousand (5,000) square feet for two families, and an additional five hundred (500) square feet for each family in excess of two families, provided however that these regulations shall not apply to hotels or apartments where no cooking is done in any individual room, suite, or apartment. The minimum lot frontage shall be fifty (50) feet.

- E. Parking regulations: Whenever a structure is erected, converted, or structurally altered for a two-family dwelling or a multiple family dwelling, two parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces 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.

**SECTION V. "M-H" – MANUFACTURED HOME DISTRICT (MOBILE HOME/MODULAR HOME)**

Mobile homes shall be only permitted in the areas defined on the official zoning map as Mobile Home/Modular Home districts.

- A. No mobile home 20 years older than the date of permit request shall be allowed. (EXAMPLE: Year 2015, mobile home was made in 1995)
- B. Proof of Date of manufacture, serial numbers, make and model shall be required prior to permitting.
- C. Mobile homes termed “Double-Wide’s” shall meet the requirements set-forth for yard space and lot line setbacks as required in single family dwellings.
- D. Mobile homes shall be tied down and anchored according to manufacturer’s requirements and city requirement.
- E. Mobile homes shall be skirted after inspections and within 90 days of final inspection.
- F. Mobile homes existing in and out of Mobile Home District are exempted, until the mobile home not meeting compliance or out of district boundaries is moved or destroyed. Mobile Homes not in Mobile Home Districts that are destroyed or moved shall not be

replaced.

G. Modular (ready-built or pre-fabricated) homes will be subject to the same regulations as mobile homes. Modular homes shall require continuous concrete foundations with approved blocking. Attached electrical service shall be allowed.

## **SECTION VI "C-1" - NEIGHBORHOOD COMMERCIAL DISTRICT**

A. Use Regulation: In the C-1 district, no building or land shall be used and no building shall be erected, or converted to any use other than:

1. Any use permitted in the R-3 district.
2. Automatic laundry.
3. Automobile parking lots.
4. Bakery, employing not more than five persons.
5. Bank.
6. Barber and beauty shops.
7. Billiard or pool hall.
8. Cafeteria.
9. Clinic.
10. Commercial billboard or advertising signs.
11. Cleaning and pressing shops.
12. Drug store.
13. Filling station.
14. Florists' shops.
15. Grocery.
16. Ice retail distributing, no manufacture.
17. Mortuaries.



18. Motels, tourist courts.
19. Motion picture theatre, not drive-in.
20. Office.
21. Radio repair and sales.
22. Real estate office.
23. Restaurants, taverns.
24. Radio studio.
25. Shoe repair.
26. Stores and shops for the sale of products at retail only.
27. Stores and shops for custom work or the making of articles to be sold at retail on the premises only.
28. Studio (art, music, photo)
29. Laundromat or Dry Cleaning.
30. Any other retail use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas, fumes, or vibration, but excluding such uses as are enumerated in the Business and Industrial districts.
31. None of these stores or uses shall be open for business before 7 A.M. nor after 12 P.M. on any day of the week except by a special permit of the City Council.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet. See SECTION 8 for special exceptions.

C. Area Regulations:

1. Front Yard - Same as required in R-1 district.
2. Rear Yard - There shall be a rear yard having a depth of not less

than fifteen (15) feet from the property line.

- Accessory buildings not exceeding one story in height may occupy as much as fifty (50) percent of a required rear yard. Accessory buildings exceeding one (1) story in height may occupy as much as forty (40) percent of a required rear yard, provided however that no part of an accessory building may extend over the rear property line.

3. Side Yard - For uses permitted in the R-2 district but contained within this district, the side yard requirements for the R-2 district shall apply. For additional uses in this district, no side yards are required, except that on a corner lot the side yard on the street side shall be not less than ten feet in width. If side yards are provided, on interior lots, they shall be not less than three (3) feet in width. The side yard of a lot which abuts upon property zoned for R-1 or R-2 use shall have a minimum width of five (5) feet on the abutting side.
4. Lot Area - For uses permitted in the R-2 district, the minimum lot area shall be the same as required in that district. There are no minimum lot area or lot width requirements for other uses permitted in this district.

D. Parking: Any commercial building that is erected shall provide one (1) parking space for each four hundred (400) square feet of ground floor space and one (1) parking space for each one thousand (1,000) square feet of floor space above the first floor. Commercial buildings shall also provide off-street facilities for the loading and unloading of merchandise and goods within the building or adjacent to a public alley to facilitate the movement of traffic upon streets.

## **SECTION VII. "C-2" - BUSINESS DISTRICT**

A. Use Regulation: In the C-2 district, no land shall be used and no building shall be used, erected or converted to any

use other than:

1. Any use permitted in the Neighborhood Commercial District.
2. Auto repair garage.
3. Automobile truck and bus service and repairs.
4. Baggage, transfer, storage and warehouse.
5. Cabinet maker.
6. Carpenter shop.
7. Carpet cleaning if dust proof rooms and dust catching washing, and scouring equipment are provided.
8. Ice manufacture.
9. Lumber yard (building materials).
10. Motorcycle repairing.
11. Paint shop.
12. Penal or correctional institution for the care of insane, liquor or narcotic patients, feeble-minded.
13. Sheet Metal Shop
14. Stone monument works, retail only.
15. Storage warehouse.
16. Taxicab storage and repair.
17. Used car lot.
18. Drive-in theatres.
19. Any other retail or wholesale use, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise or vibrations, but excluding such uses as are enumerated in the Industrial District.

## 20. Trailer Courts, transient

- B. Height - In the Business District, the height and size of buildings shall be as follows; provided, however, that buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front, side and rear yard, and lot area per family regulations of the R-1 and R-2 Residence Use Districts.

No building hereafter erected or structurally altered shall exceed a height at the street line of two (2) times the width of the street, but above the height permitted at the street line four (4) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the street line.

### C. Area Regulations:

1. Front Yard - No front yard required.
2. Side Yard: No side yard required except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes in which case there shall be a side yard of not less than five (5) feet.
3. Rear Yard - No rear yard required.

## **SECTION VIII. "M-I" - INDUSTRIAL DISTRICT**

- A. Use Regulations: In the Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

1. Any use permitted in the Business District.
2. Any manufacturing or Industrial process not prohibited by any other law, provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been

approved by the City Council:

- a) Acid manufacture.
  - b) Cement, lime (gypsum or plaster of paris manufacture.)
  - c) Distillation of bones.
  - d) Explosive, manufacture or storage.
  - e) Fat rendering.
  - f) Fertilizer manufacture.
  - g) Garbage, offal or dead animal reduction or dumping.
  - h) Gas manufacture.
  - i) Glue manufacture.
  - j) Petroleum refining.
  - k) Smelting of tin, copper, zinc, or iron ores.
  - l) Stock yards, or slaughter of animals.
  - m) Tannery.
  - n) Used car dismantling yard.
  - o) Storage or bailing of rags, paper, iron or junk.
  - p) Oil well drilling.
  - q) Cotton gins.
  - r) Wholesale storage of gasoline or other petroleum products in carload lots or more, above ground.
  - s) Accessory buildings and uses.
- B. Height - In the Industrial District, the height of buildings, the minimum dimensions of yards and the minimum to area per family shall be as follows: provided, however, that buildings

erected or structurally altered and used exclusively for dwelling purposes shall comply with the front, side and rear yard regulations of the Residence Use Districts.

No building hereafter erected or structurally altered shall exceed a height equal to twice the width of the widest street on which said building is located; and in no case shall the height be greater than ten (10) stories or one hundred twenty (120) feet, (except it may be increased by special permit of the Council).

C. Area Regulations:

1. Front Yard: No front yard required.
2. Side Yard: No side yard required, but if provided, it shall not be less than three (3) feet, and except on that side of the lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than five (5) feet.
3. Rear Yard: No rear yard required.

**SECTION VIII. ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS**

A. Use Regulations: 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 sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each yard line at least one (1) foot for each two (2) 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 ordinances which may be hereafter adopted by the City of Seagraves. In the absence of such ordinances, there shall be no height limitation for these structures.

C. Area Regulations:

1. Front Yard - Where forty (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 (5) 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. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.
2. A side yard of not less than 25 feet on the side of the lot adjoining an R-I 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.
3. Garages detached or attached to the main use building which enter on the side street of a corner lot, shall maintain a side yard of twenty (20) feet in front of the garage.
4. Garages erected in the backyard of main house or building, with the doors opening to the alley shall be no closer than five (5) feet to the alley property line and side property lines on interior lots.

This Ordinance shall become effective from and after its date of passage in accordance with law.

This Ordinance shall become effective from and after its date of passage in accordance with law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGRAVES, TEXAS  
THIS 19<sup>TH</sup> DAY OF OCTOBER 2015.

CITY OF SEAGRAVES



BRACE HUSE, MAYOR

ATTEST:



JACKIE ORUM, CITY SECRETARY





