

ZONING ORDINANCE

044

AN ORDINANCE, UNDER THE PROVISIONS OF ARTICLES 1011a THROUGH 1011h OF THE REVISED CIVIL STATUTES OF THE STATE OF TEXAS, TO REGULATE AND RESTRICT THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSE; AND FOR SAID PURPOSES, TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PROVIDE FOR THE ENFORCEMENT AND ADMINISTRATION OF THE ORDINANCE; TO PROVIDE FOR CHANGES, MODIFICATIONS AND AMENDMENTS TO DISTRICTS; ESTABLISHING A BOARD OF ADJUSTMENT AND METHOD OF APPEALS; SETTING FEES; TO PROVIDE PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY IN ITS ENACTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSTANG RIDGE, TEXAS:

SECTION 1. PURPOSE OF THE ZONING ORDINANCE

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

SECTION 2. ZONING DISTRICT ESTABLISHED

For the purpose of this Ordinance, the City is hereby divided into five districts as follows:

Residential District - R
Commercial District - C
Industrial District - I
Agriculture - Open Space District - AO
Flood Hazard District - FH

All land uses in existence at the time of passage of this ordinance will be classified into the above mentioned districts. All mixed residential/commercial uses will be allowed if these uses were in existence at the time of passage of this ordinance. The definitions of use of each district are as follows.

Residential District - (R). This district consists mainly of areas including agricultural uses, containing single-family dwellings, mobile homes, and of open spaces where residential development appears desirable. The regulations are designed to encourage the provision of single-family detached dwellings in low density residential areas, but do not prohibit multiple-family dwellings.

Commercial District - (C). This district consists mainly of land occupied by or suitable for the retailing of "convenience goods" and the furnishing of certain personal services to satisfy most of the daily needs of the neighborhood. This district also provides space for the financial, administrative, government, and business uses.

Industrial District - (I). The Industrial District - I This district consists mainly of areas occupied by or suitable for manufacturing, processing and other industrial activities. This district is designed to provide for a wide range of industrial activities subject to limitations intended to protect nearby residential and business districts and to protect the permitted uses from one another.

Agriculture-Open Space District - (A-O) This districts consists of lands within the corporate limits of the city which are not subdivided and are relatively undeveloped. This district is designed to promote orderly, timely, economical growth and to recognize current conditions. It is a reserve area in which the future growth of the city can occur.

Flood Hazard District - (FH) This district consists of those areas in relatively low lying, flood hazard portions of the city along major streams, creeks, and drainage ways which are subject to periodic inundation, and are unsuitable in present form for use as a building site.

MINIMUM REQUIREMENTS FOR LOTS

District	Lot Area	Lot Width	Lot Depth	Front Yard	Side Yard ¹	Rear Yard
R	1/2 acre ³	70 ft.	100 ft.	25 ft.	7.5ft.	20 ft.
C	None	None	None	None	None ²	None ²
I	None	None	None	None	None	None
A-O	5 acres	200 ft.	200 ft.	25 ft.	30 ft.	
FH	5 acres	200 ft.	200 ft.	25 ft.	30 ft.	

1 All uses - 10 feet minimum side yard when abutting a street.

2 None unless to dwelling, then same as dwelling.

3 Lots Area with an approved sewer system will have a minimum of one quarter (1/4) acre in size

MAXIMUM BULK LIMITATIONS AND PARKING REQUIREMENT FOR BUILDERS

<u>District</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Parking Regulations</u>
R-1	28-1/2 feet	35% of lot	1 off-street parking space 2-1/2 stories per dwelling unit.
C-1	33 feet	60% of lot	5 stories 1 off-street parking space per 500 sq. ft. of floor for wholesale and warehouse.
I-1	60 feet ¹	50% of lot	1 off-street parking space per 1,000 sq. ft. of general floor space and 1 parking space per 400 sq. ft. of office and sales.
A-O	No limit	30%	Same as District R
FH	Not Applicable	Not Applicable	Not Applicable

¹ Over 60 feet if setbacks are increased one (1) foot for each two (2) feet of height above 60 feet.

SECTION 3. CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Mustang Ridge. In order to provide for such change and contingencies all new commercial and industrial uses shall conform in operation, location and construction to the current Federal and State performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage and glare.

Construction and Use to be as Provided in Applications, Plans and Building Permits Building permits issued on the basis of plans and applications approved by the City Secretary authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 14 hereof.

SECTION 4. PROVISION FOR 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 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 3 of Ordinance Number 044 of the City of Mustang Ridge, Texas, adopted 2-9-88."

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Council. The amending Ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon this Official Zoning Map. The entry shall be signed by the Mayor and attested by the City Secretary.

No changes of any nature shall be made on 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 14 of this ordinance.

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, building, and other structures in the City. 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 Zoning Ordinance 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 bear 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 _____, as part of Ordinance Number _____ of the City of Mustang Ridge, Texas."

SECTION 5. ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning District Map, the following rules shall apply:

Where district boundaries are indicated as approximately following the center lines of streets or highways, such center lines shall be construed to be said boundaries. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

Where district boundaries are so indicated that they are approximately parallel to the center line of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning District Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning District Map.

In subdivided property, the district boundary lines on the Zoning District Map shall be determined by use of the scale appearing on the map.

In the case of a district boundary line dividing a platted lot into two (2) parts, the district boundary line shall be construed to be the property line nearest the district boundary line as shown.

Whenever any street, alley, or other public way is vacated by official action of 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 vacation and all area included in the vacation shall then and hence forth be subject to all regulations of the extended districts.

Where the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Map, the streets or alleys on the ground shall control.

If none of the above apply, the Planning and Zoning Commission shall determine the location of the district boundary.

SECTION 6. APPLICATION OF DISTRICT REGULATIONS

A. **Uniformity.** The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly and particularly to each class or kind of structure or land, 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 unless 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:

- To exceed the height;

- To accommodate or house a greater number of families;

- To occupy a greater percentage of lot area;

- 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 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.

B. Newly Annexed Territory. Any territory hereafter annexed to the city shall be classified for A-O (agriculture open space district) only, unless otherwise determined by the planning and zoning commission and city council at the time of annexation. The procedure for establishing initial zoning other than (A-O) and subsequent zoning on annexed territory shall conform to the procedure established by law for the adoption of normal zoning classifications and regulations. Subsequent to annexation the new territory may be rezoned by the city council for a land use consistent with the City Plan. In an area classified A-O no person shall erect, excavate, or construct, any building or structure or add to, enlarge, move, improve alter, repair, convert or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the city without first applying for and obtaining a building permit from the building official.

SECTION 7. DEFINITIONS

For the purpose of this Ordinance, 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 masculine gender shall include the feminine; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Said words and terms are as follows:

Accessory Building or Use. An "accessory building or use" is one which: Is subordinate to and serves a principal building of principal use; and, Is subordinate in area, extent, or purpose to the principal building or principal use served; and, Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and, Is located on the same building lot as the principal building or principal use served.

Agent of Owner. Any person who can show certified written proof that he is acting for the property owner.

Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Apartment. A room or suite of rooms in an apartment house arranged, designed, or occupied as a residence by a single family, individual or group of individuals.

Apartment House. Any multiple-family dwelling or building or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied as three or more apartments; or which is occupied as the home by residence of three or more families living independently of each other and maintaining separate cooking facilities.

Beginning of Construction. The incorporation of labor and material within the foundation of the building or buildings.

Block. An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building.

Building Line. A line parallel or approximately parallel to a lot line or street line and beyond which buildings may not be erected.

Building, Main. A building in which is conducted the principal use of the site on which it is located. In any residential district any and all dwellings shall be deemed to be main buildings on the site on which they are located.

Building Official. The designated city official carrying the title of building official and charged with the responsibility of issuing building permits, enforcing building codes, and enforcing provisions of this ordinance.

City Council. The governing body of the City of Mustang Ridge, Texas.

Clinic, Medical. An institution or station for the examination and treatment of out-patients.

Convalescent Home. Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

Coverage of a Lot. The ratio of gross floor area of the first floor of a building or a group of buildings on the same lot to the area of the lot, expressed as a percentage.

Day Nursery. A place where children are left for hired care between the hours of 7:00 a.m. and 12:00 midnight.

Depth of Lot. The mean horizontal distance between the front and rear lot lines.

Detached Structure. Any building, accessory building or structure that is not physically attached to any other building or structure by any means.

City Secretary. That person designated by the City Council to serve as city secretary. This person gives notices of City Council meetings, keeps journal of its proceedings, authenticates by his/her signature, records in full in a book for the purpose all ordinances, and resolutions, and shall perform all duties assigned by the Council

District or Zoning District. A portion of the territory of the City within which certain uniform resolutions and requirements or various combinations thereof apply under the provisions of this ordinance.

Dwelling. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or mobile home.

Dwelling Unit. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Dwelling, Single-Family. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Multiple-Family. A building or portion thereof designed for or used by three or more families or housekeeping units.

Floor Area of a Building. The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the center lines of exterior walls or from the center line of walls separating two buildings in square feet.

Grade, Existing. The average level of the original surface of the ground adjacent to the exterior walls of the building.

Height. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Home occupation. A "home occupation" is a commercial use customary carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise and pedestrian and vehicular traffic.

Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, and in which there are more than twelve (12) sleeping rooms, a public room for the accommodation of more than twelve (12) guests and a general kitchen.

Loading Space. An area within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.

Lot. One piece, parcel or tract of land which collectively meets all the following requirements, Is located within a single block; Has frontage on an accepted and improved public street; Is occupied or utilized or designated by its owner, owners, or developer to be occupied, developed or utilized as a unit for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance; and Of which a plat has been recorded in the office of the City Secretary.

Lot, Area of. The area of the lot shall be the net area and alleys.

Lot, Depth. The mean horizontal distance between the front lot line and rear lot line of a zoning lot.

Lot Line. A boundary of a lot.

Lot Line, Front. The street right-of-way line at the front of a lot.

Lot Line, Rear. The lot line opposite and most distant from the front.

Lot line, Side. A lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a thorough fare other than an alley is an exterior side lot line as opposed to an interior side lot line.

Lot Width. The mean horizontal distance between the side lot lines of a lot.

Mobile Home. A single-family dwelling unit characterized by all of the following:

- a. Is transportable to and from the site upon which it will be occupied.
- b. Has construction standards approved under state statutory requirements.
- c. Sits on a nonpermanent foundation.
- d. Is suitable for occupancy year-round.

Modular Home A single or multifamily dwelling unit characterized by all of the following:

- a. Transported to the site, in parts (components) or in whole, but not intended to be relocated to other sites.
- b. The construction standards consistent with local codes.
- c. A permanent foundation, either integral with the unit or its components, or constructed on the site prior to unit installation.
- d. Location determined by normal code requirements applicable to units of standard residential construction.

Motel. A building or group of buildings, including either separate units or a row or rows of units which (1) contain living or sleeping accommodations primarily for transient occupancy, and (2) have individual entrances.

Non-conforming Use. A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Nuisance. Any cause or source of annoyance or harm to person or property in a particular locality which constitutes an invasion or disturbance of another's rights.

Nursing Home. Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

Open Space. Area included in any side, rear, or front yard or any occupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, and porches. (Note: This definition is not the same as agriculture-open-space district.)

Open Storage. The storage of any equipment, machinery, commodities, raw, or semi-finished materials, and building materials which is visible from any point on the building lot line when viewed from ground level to six feet above ground.

Residence. Same as dwelling; also when used with district, an area of residential regulations.

Setback Lines. That line which is parallel to and the minimum allowable horizontal distance from a given point or line of reference, such as a lot line, to the minimum required building line.

Sign. Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device.

Sign, Area of. The total exterior surface, computed in square feet, of a sign having but one exposed exterior surface; the aggregate exposed exterior surface, in square feet, of a sign having more than one such surface.

Specific Use Permits. Certain uses, which because of their nature and existing location are not appropriate for categorizing into specific zoning districts, are allowed in various zoning districts by specific use permit.

Story. That portion of a building included between the surface of any floor and the ceiling next above it.

Street. Any thoroughfare other than an alley.

Street Line. A dividing line between a street right-of-way and an abutting lot, tract, or parcel of land.

Structure. Anything constructed, the use of which required permanent location on the ground or attachment to something having a permanent location on the ground.

Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams, or girders.

Yard. An open, unoccupied space on the lot in which a building is situated and which is unobstructed from the ground to the sky.

Yard, Front. An open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard and being the minimum horizontal distance between the street line and the main building.

Yard, Required Front. An open space extending the full width of a lot between the front line and the front setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, Rear. An open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and being the minimum horizontal distance between the rear lot line and the main building.

Yard, Required Rear. An open space extending the full width of the lot between the rear lot line and the rear setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, Side. An open, unoccupied space on the same lot with a building, situated between the building and side line of the lot, and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

Yard, Required Side. An open space extending from the minimum front yard setback line to the minimum rear yard setback line between the side yard setback line and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Zoning Map, Official. The Zoning Map or Maps of the City attested together with all amendments subsequently adopted.

USE REGULATIONS

Residential Districts. It is the intent of the following Zoning Regulations to provide for the establishment of residential districts which are free from the encroachment of commercial or industrial uses, but which permit certain uses which are necessary within residential neighborhoods.

Uses permitted within the Residential - R District:

A single-family dwelling unit.

Accessory Building or storage for residential use only, restricted to the rear yard.

Automobile parking, for residents and guests only.

Field crops, horticulture, nursery, truck gardening, and seasonal retail Sales on the premises.

Home Occupations, including home offices, providing financial, legal, and other personal services.

Public library or museum, park, playground or play field.

Schools; elementary through high, public or denominational.

School; nursery, kindergarten, or day care for children.

Signs; identification, of resident or permitted use, real estate, sales, lease, rent, or development.

Swimming pool, private.

Commercial District. It is the intent of the following Zoning Regulations to provide for the establishment of those uses within the Commercial District which may generally be described as consisting of the buying, selling, or trading of "convenience goods" for the daily needs of the neighborhood; and the provision of personal services.

Any use, which is judged by the City Council to be included within the categories listed below, is excluded from the Residential District unless otherwise permitted by the Zoning Regulations.

Uses permitted within the Commercial - C District:

Any use permitted in the Residential District.

Ambulance service.

Amusement, commercial: including dancing, bowling, golf recreation, carnivals, or skating rink.

Animal hospital, pound, or shelter.

Arena, coliseum, rodeo grounds, baseball park, or auditorium.

Automobile parking lots.

Bakeries, retail sales only.

Banking and Financial Institutions.

Building material storage yards.

Bus station.

Business or commercial school.

Business service.

Carpentry, painting, or plumbing shop.

Carting, crating, hauling, and storage.

Clubs or lodges.

Cold storage plant.

Eating establishments.

Electrical goods such as supplies, apparatus, appliances, electronics, or parts.

Florist shop or greenhouses.

Gasoline service stations.

Glass and cutting shop, mirror silvering.

Hotels, Motels.
Ice Plants.
Lumber, construction materials, millwork, cabinet shop.
Machine shop.
Machinery such as commercial, construction, industrial, farm, professional, or transportation equipment.
Medical clinic, dental clinic, and associated laboratory facilities.
Miscellaneous repair such as watches, shoes, furniture, bicycles, upholstery, or small appliances.
Monument sales with incidental processing.
Mortuaries.
Motorized vehicle sales - new/used and vehicle accessory sales.
Office buildings.
Personal service use including barber shops, beauty parlors, photographic or artist studios, messengers, taxicabs, laundry and dry cleaning and pressing, dressmaking, tailoring, catering, and other personal service uses of a similar character.
Plumbing, heating, air-conditioning, refrigeration, supplies, or repair.
Printing and Publishing.
Retail stores.
Sign shop.
Studio such as radio, music, dancing, physical, culture, or health,
Trailer or equipment rental.
Truck terminal.
Warehouse.
Wholesale house.

Industrial District. It is the intent of the following Zoning Regulations to provide for the establishment of those uses within the Industrial District which may generally be described as consisting of manufacturing, production and assembly, and in addition, certain other uses.

Any use, which is included within the categories listed below or which by nature is judged by the City Secretary to be included within the categories listed below, is excluded from any Residential or Commercial District unless otherwise permitted by the Zoning Regulations.