

ZONING ORDINANCE

No. 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 REQUIREMENTS 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	3 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.

Uses permitted in the Industrial - I District,

Any use permitted in the Residential and Commercial Districts, specifically excluding junk yards, automobile wrecking yards, outside display of used autoparts, gunpowder or other explosive storage and manufacture.

Agricultural products processing, packaging, storage and sales distribution.

Manufacturing, providing the process and products meet environmental considerations.

Food locker and slaughter plants.

Petroleum storage, subject to the approval of the Planning Commission.

Agricultural support activities:

Feed and grain processing and sales;

Fertilizer storage, handling, and sales;

Farm equipment repair and storage.

Dairy plants.

Bottling plants.

Railroad depots and switching facilities.

Outdoor advertising signs are permitted, except they shall not be within 25 feet of any residential district.

Agricultural-Open Space - (AO) There exists within and on the fringes of Mustang Ridge land which is presently used for agricultural purposes and to which all urban services are not available and such land should appropriately be continued in agricultural use until needed for urban purposes in conformity with orderly growth of the city.

Uses permitted within the Agricultural-Open Space District:

Barn, stable for keeping public or private livestock

Airports, landing strips, terminal facilities

Commercial amusement

Country club, clubhouse, golf course (except miniature golf courses, driving ranges and other similar activities operated as a business)

Crop production

Dwelling single family.

Farm

Garden (including green house for commercial purposes)

Livestock production

Poultry production (no processing or sales)

Pasture

Riding academy (private)

Rodeo Grounds and pens

Flood Hazard District - (FH) To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flooding, and to promote the general welfare and provide protection from flooding, and areas designated as a flood hazard area shall be limited to the following uses:

Farming activities

Golf course (no structures)

Park

Pasture

Recreation activities (no major structures)

Wildlife or natural area

Uses similar to above when approved by city engineer and city council

No building or structure shall be erected in any portion of any district designated as a "Flood Plain," unless such building or structure has been approved by the city engineer which shall ascertain that such building or structure is not subject to damage by flooding and would not constitute an encroachment hazard or obstacle to the movement of flooding waters and that such construction would not endanger the value and safety of other property or the public health and safety.

The fact that land is, or is not, within the flood hazard district shall not be interpreted as assurance that such land is, or is not, subject to periodic local flooding.

SECTION 8. SPECIFIC USE PERMITS

The City Council of the City of Mustang Ridge, after public hearing and proper notice to all parties affected may authorize the issuance of specific use permits for the following uses in any district.

Mobile Homes

Modular Houses

Cemetery or mausoleum

Electrical Substation

Gas compressor or regulator station

Golf course, but not including commercial golf games or amusement

Institution for children and aged; non-profit

Radio or television broadcasting transmitter or tower, microwave relay tower.

Telephone exchange, but not including garage shop or service

Railroad right-of-way, but not including shops or yards

Tract offices and construction buildings which shall be removed upon completion or abandonment of construction work.

The procedure for approval of a specific use permit includes a public hearing and notification within five (5) days after receiving an application for use permit, notification of all owners of real property living within two hundred feet (200) of the property on which application has been made. The names and addresses of the affected parties shall be supplied by the applicant. The City Council may, if no adverse response is received to the above notification within ten (10) days, set the appropriate conditions for the permit and approve issuance of same upon agreement by applicant. If there is a negative response to the notification in writing, the City Council shall hold a public hearing. These permits shall be issued according to the following terms and conditions.

- a) The City Council may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. The City council may in the interest of the public welfare and to assure compliance with this ordinance, establish conditions of operation, time limit, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.
- b) The specific use permit may be granted for definite periods of time after which the City Council may inquire into the continuation of the permit and based upon its findings recommend its discontinuance or the extension of the time period as set forth in the ordinance establishing the specific use permit.

SECTION 9. SUPPLEMENTARY DISTRICT REGULATIONS AND EXCEPTIONS

Accessory Buildings. Accessory buildings detached from or attached to the main building may be permitted within the allowable building area of any lot defined by the required front, side and rear building lines.

No accessory building shall be permitted in the required front yard or in the required side yard.

Where the accessory building is adjacent to a side street, the minimum side yard setback from said street shall be ten (10) feet.

Attached to main building: Accessory buildings when attached to the main building shall be considered to be part of the main building and shall be governed by the regulations specified above.

Detached from main building: Accessory buildings or portions thereof detached from the main building may be permitted in the required rear yard provided: That they are detached from the main building or structure and separated therefrom by a distance of not less than ten (10) feet; and, That said accessory building have a rear and side yard setback of not less than three (3) feet.

In no case shall the total floor area of all accessory buildings, or portions thereof within the required rear yard exceed thirty (30) percent of the area of the required rear yard defined as the product of the rear yard setback and the mean width of the rear yard of the lot. Carports may exceed thirty (30) percent coverage of the required rear yard in the Residential District.

DISTANCES BETWEEN RESIDENTIAL BUILDINGS ON THE SAME LOT

Lot of Lots of Common Ownership. Opposing walls of a residential building or of separate residential buildings shall not be closer than ten (10) feet when any wall or portion thereof is parallel or within thirty (30) degrees of another wall or portion thereof of the same building or of another building.

Special Building Setback. Where a building line has been established by special ordinance and such line requires a greater setback than is prescribed by this ordinance in the district in which the building line is located, no building shall be erected closer to the street than the line so established.

Determination of Front, Side, and Rear Lot Lines. In no case shall the orientation of a building or structure, or the arrangement of doors, windows or other features of a building or structure determine the front, side, or rear line of a lot for the purposes of this ordinance. Lot lines shall be interpreted as defined in the Section on Definitions.

Minimum Street Frontage Required for Residential Use. Except as permitted in this ordinance, no lot shall contain any building in whole or in part for residential purposes unless such lot abuts for at least thirty (30) feet on a street or officially approved place.

Off-Street Parking and Loading Area Requirements. Off-street parking shall be required at the time any building or structure is erected or is enlarged or increased in capacity in accordance with the parking ratio requirements of this ordinance.

In applying the off-street parking requirements, the floor area shall be the sum of the several floors of all enclosed buildings and structures on the lot measured from the center line of exterior walls. The floor area shall not include cellars and open unenclosed balconies, terraces, porches, stairs and parking structures.

Where open land is used for sales, manufacturing, storage or other operations in a manner similar to in-door operations, such open land shall be added to the floor area in determining the number of parking spaces required.

Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from adjoining premises of any Residential District.

Off-street loading spaces required. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by any use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional loading space for each three thousand (3,000) square feet.

Each off-street loading space shall be no less than ten (10) feet in width, twenty five (25) feet in length and fourteen (14) feet in height. Such space may occupy all or part of any required yard or court space.

Projections Into Required Yards. In no case shall open and unenclosed building projections such as outside stairways and fire escapes, balconies, or porches, awnings, eaves, and roof extensions and ornamental features be located closer than three (3) feet from any lot line.

Site Plan. A site plan is a plan of development drawn to scale indicating:

- The location and arrangement of buildings on subject property.
- Building setbacks and yards.
- Landscaping and/or walls and fences for screening purposes.
- Off-street parking and loading areas and design of ingress and egress to and from abutting streets.

A site plan and duplicate copy shall be submitted to and approved by the Building Official prior to the issuance of a building permit for new construction, or additions to an existing building or structure, Commercial or Industrial uses. A file should be kept of all approved site plans in the City Offices. Approval shall be indicated by the signature of the Building Official on the site plan with the date of approval.

A duplicate copy of the submitted site plan as disapproved, approved, or conditionally approved shall be given to the applicant together with all the recommendations of the reviewing body.

The purpose of site plan approval is to determine compliance with this ordinance and to promote the orderly and harmonious development of the City.

Location of Dwellings and Buildings. Only one main building for single-family or multi-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of thirty (30) feet. Where a lot is used for commercial, industrial, or a combination of same, or for a combination of commercial and dwelling purposes, more than one (1) main building may be located upon the lot, but only when such building conforms to all the open space, parking and density requirements applicable to the uses and districts and when all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, same may be permitted when the site plan for such development is approved by the Planning Commission so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard or area requirements for any dwelling or other use.

SECTION 10. NON-CONFORMING BUILDINGS AND USES

The lawful use of any building, structure or land existing on the effective date of this ordinance may be continued, although such use does not conform with the provisions of this ordinance; provided, however, the right to continue such non-conforming use shall be subject to the following regulations:

Non-Conforming Building or Lots. A non-conforming building, structure, or lot may be occupied as hereafter provided:

Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.

Unless otherwise provided, a non-conforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all of the requirements of the district in which such building or structure is located. A non-conforming building or structure shall not be moved in whole or in part to any other location on the lot, unless every portion of such building structure is made to conform to all of the regulations of the district in which located

a non-conforming building or structure is damaged or destroyed to an extent less than sixty (60) percent of its fair market value by fire, explosion, act of God, or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than sixty (60) percent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the district in which it is located, and it shall be treated as a new building.

A vacant, non-conforming building or structure lawfully constructed may be occupied by a use for which the building or structure was designed or intended, or previously used, if so occupied within a period of one (1) year after the effective date of this ordinance. The use of a non-conforming building or structure lawfully constructed which becomes vacant after the effective date of this ordinance, may also be occupied by the use for which the building or structure was designed, intended, or previously used if so occupied within a period of one (1) year after the building or structure becomes vacant.

A lot having less area, width, or depth than required, but which existed in separate ownership prior to the effective date of this Ordinance, may be used for a purpose permitted in the district in which located.

A lot which is made non-conforming by a public act, such as the widening of a street right-of-way, may be used for a purpose permitted in the district in which located.

Non-Conforming Use of a Building. The non-conforming use of a building or structure may be continued as hereinafter provided.

The non-conforming use of a building or structure may be continued or may be changed to a use of the same or more restrictive classification. Where the non-conforming use of a building or structure is hereinafter changed to a use or a more restrictive classification, it shall not thereafter be changed to a use of less restrictive classification.

A non-conforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such non-conforming use or portion thereof is voluntarily discontinued or changed to a conforming use; any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

Non-Conforming Use of Land. The non-conforming use of land existing at the time of the effective date of this ordinance may continue as hereinafter provided:

A non-conforming use of land shall not be expanded or extended.

If a non-conforming use of land, or any portion thereof, is voluntarily discontinued for a period of one (1) year any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.

Any sign, billboard, or porter panel which lawfully existed and was maintained at the time of the effective date of this ordinance, may be continued, although such use does not conform with the provision of this ordinance, provided, however, that no structural alterations are made thereto.

Abandonment. A non-conforming use of a building, structure or land which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when:

The intent of the owner to discontinue the use is apparent; or

The characteristic equipment and furnishings of the non- conforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year; or,

A non-conforming building, structure, land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of one (1) year; or,

A non-conforming use has been replaced by a conforming use.

Displacement. No non-conforming use shall displace a conforming use.

Change in District Boundaries. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district, or when the boundaries of districts are changed as the result or annexation of new territory, or changes in the regulations or restrictions of this Ordinance, the foregoing provisions shall also apply to any use existing therein which may become non- conforming.

SECTION 11. ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Mayor. The Building Official or a duly authorized representative shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.

Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Official shall order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official to proceed with the work.

SECTION 12. AMENDMENTS

Any person or corporation having proprietary interest in any property may petition the city council for a change or amendment to the provisions of this ordinance, or the city council may, on its own motions or on request from any person, institute study and proposal for changes and amendments in the public interest.

- 1 The city council may, from time to time, amend, supplement or change by ordinance, the boundaries of the districts or the regulations herein established as provided by the statutes of the State of Texas.
- 2 The city council shall hold a public hearing on any application for any amendment or change. When any such amendment or change relates to a change in classification or boundary of a zoning district, written notice of public hearing before the city council on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved city tax roll. Notice shall also be posted along with the agenda for all hearings and related meetings in accordance with the applicable laws of the State of Texas. When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of the public hearing of the city council shall be given by publication in a newspaper of general circulation in the City of Mustang without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than ten (10) days from the date of publication.

SECTION 13. BOARD OF ADJUSTMENT

Organization and Procedure. A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said Statutes.

The Board shall consist of five citizens, each to be appointed or re-appointed by the Mayor and confirmed by the City Council, for staggered terms of two years respectively. Each member of the Board shall be removable for just cause by the City Council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman, who shall serve for a period of one (1) year or until a successor is elected.

Meetings of the Board shall be held at the call of the chair man and at such times as the Board may determine.

The hearings of the Board of Adjustment shall be public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all or which shall be immediately filed in the office of the Board and shall act by resolution in which four (4) members must concur.

Powers and Duties. The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Mayor in the enforcement of this Ordinance.

The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows:

Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, where the Board finds some of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

Permit land within three hundred (300) feet of a multi-family dwelling to be improved for the parking spaces required in connection with a multi-family dwelling, but only when there is positive assurance that such land will be used for such purposes only during the existence of the multi-family dwelling.

The Board shall have the power to determine, in case of uncertainty, the classifications of any use not specifically named in the district regulations.

The Board shall have the power to authorize upon appeal and in specific cases where conditions are unique to a particular lot, 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 will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, including the following:

Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect adjoining property or the general welfare.

Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty.

The Board shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

Appeals. Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the city. Such appeals shall be made by filing with the Secretary of the Board a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Mayor shall certify to the Board of Adjustment that by reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of competent jurisdiction after notice to the office from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which an appeal is made, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the then current tax rolls of the city. Depositing of such written notice in the mail not less than ten (10) days in advance of such hearing shall be deemed sufficient compliance herewith.

The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirements, decision, or

determination as in its opinion ought to be made on the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

SECTION 14. DUTIES OF CITY STAFF, 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 Mayor, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Mayor, 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 in this ordinance. Under this ordinance the City Council shall have only the duties of:

Considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and

Of establishing a schedule of fees and charges as stated in Section 15.

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 City Secretary. The City Secretary shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 16. PENALTIES FOR VIOLATION

Any person violating any of the provisions of this ordinance, shall upon a conviction, be fined any sum not exceeding two hundred dollars (\$200.00); and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 17. SCHEDULE OF FEES

The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, amendment applications, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the City Secretary, and may be altered or amended only by the City Council.

No permit, amendment, special exception or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken or public hearing be held unless or until preliminary charges and fees have been paid in full.

SECTION 18. PROVISION OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS


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 and general welfare. Whenever 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 19. VALIDITY

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

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

ATTEST


Martha K. Ysen
Martha K. Ysen, City Secretary

Alton B. Laws
Alton B. Laws, Mayor
City of Mustang Ridge, Texas