

ORDINANCE NO. 11-11

AN ORDINANCE OF THE CITY OF KENEDY, TEXAS, ADOPTING ZONING REGULATIONS FOR THE REGULATION OF LAND WITHIN THE LIMITS OF THE CITY OF KENEDY AS AUTHORIZED BY CHAPTER 211 OF THE LOCAL GOVERNMENT CODE; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING THE EFFECTIVE DATE.

WHEREAS, the City of Kenedy is a Type A general law city operating under the provisions of the Texas Constitution and the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to establish zoning regulations within its corporate limits for the purpose of promoting the health, safety and welfare of the community; and

WHEREAS, The City Council of the City of Kenedy now deems it necessary to adopt regulations to provide for the safe, orderly, healthful development of the City

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

SECTION 1  
TITLE OF ORDINANCE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Kenedy, Texas."

SECTION 2  
INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. The zoning regulations and districts as herein established, have been made in accordance with a comprehensive plan, for the purpose of promoting health, safety, morals and the general welfare of the City of Kenedy; they have been designed, among other things to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and pure air, to avoid undue concentration of population, and to facilitate adequate provisions for transportation, water, sewerage, schools, parking areas and other public requirements.

SECTION 3  
SCOPE

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, (except as the same may be specifically repealed by the terms of this ordinance) or with private restrictions placed upon property by covenant, deed, easement or other private agreement. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other laws, ordinances, deed, covenants or agreements, the provisions of this ordinance shall govern.

SECTION 4

## DEFINITIONS

For the purpose of this ordinance certain terms and words are herewith defined as follows.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure", the word "shall" is mandatory, and not directory. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel"

**ABUTTING, ADJACENT, ADJOINING** -- Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley, but shall not include property across a street

**ACCESSORY BUILDING OR USE** -- A subordinate building having a use customarily incident to and located on the same lot occupied by the main building; or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building

**ADMINISTRATIVE OFFICIAL** -- The official, or his designee, appointed by the City Administrator to enforce and administer the terms of this Ordinance. The individual whose decisions and interpretations are appealed to the Zoning Board of Adjustment

**ADULT ARCADE** -- "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

**ADULT BOOKSTORE OR ADULT VIDEO STORE** -- "Adult Bookstore" or "Adult Video Store" means a commercial establishment, which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides, or other visual representations which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas"; or
2. instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities"

**ADULT CABARET** -- "Adult Cabaret" means a night club, bar, restaurant, or similar commercial establishment which regularly features:

1. persons who appear in a state of nudity; or
2. live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities"; or
3. films, motion pictures, videocassettes, slides, or other photographic reproductions, which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas"

**ADULT MOTEL** -- "Adult Motel" means a hotel, motel or similar commercial establishment which:

- 1 offers accommodations to the public for any telephone transmission, films, motion pictures, video cassettes, slides or photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- 2 offers a sleeping room for rent for a period of time that is less than 10 hours; or
- 3 allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours

**ADULT MOTION PICTURE THEATER** -- "Adult Motion Picture Theater" means a commercial establishment where motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas"

**ADULT THEATER** -- "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by and emphasis on "specified sexual activities".

**ALLEY** -- Public minor way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street or highway.

**ANIMAL HOSPITAL OR CLINIC** -- A facility operated by a veterinarian for the purpose of examining and treating animals including outdoor facilities for caring for the animals and allowing the keeping of animals overnight

**ANIMAL LOT** -- Any area for quartering and/or grazing of any hoofed (even-toed and odd-toed) animals, including but not limited to horses, cows, sheep, goats, etc. and rallies (large flightless birds), including but not limited to emus and ostriches, etc

**ANIMAL SHELTER** -- A facility that keeps impounded stray, homeless, abandoned, or unwanted animals

**ANIMAL UNIT** -- the equivalent of one horse, one cow or steer, one mule, 4 emus or ostriches, 10 sheep, 10 goats, 100 poultry, or 100 rabbits, or an equivalent combination thereof

**ANTENNA** -- any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves

**ANTIQUE VEHICLE** -- A passenger car or truck that is at least 35 years old.

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

**APARTMENT HOTEL** -- Any building larger than an apartment house designed or built as a series of separate apartments to be occupied by persons living independently of each other

**APARTMENT HOUSE** -- Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities

**ARCADE** -- A public place of business where 50% or more of the gross sales are derived from amusement machines. The term amusement machine shall mean every machine of any kind of character whatsoever, when such a machine is capable of use or operations for amusement, other than for the purpose of vending merchandise, music, or a service such as telephone service, laundry service, etc. Included in the description of amusement machines, and all other machines which designed for challenge, entertainment, or pleasure

**ARENA, RIDING** -- An area, either indoor or outdoor, used for the riding or driving of horses or mules for pleasure or competition on a fee or other remuneration basis

**ASPHALT, CONCRETE BATCHING PLANT** -- A facility, permanent or temporary, which mixes asphalt or cement with various aggregates and water in large quantities for transport elsewhere

**AUTO REPAIR SHOP** -- A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards

**AUTOMOBILE SALES AREA** -- An open area of lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises

**BAKERY, RETAIL** -- An establishment which produces bakery goods and various confectionery items, such as rolls, bread, etc. for direct sale to the consumer

**BANNER** -- Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered banners

**BASEMENT** -- A building story, which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height

**BED AND BREAKFAST** -- A dwelling in which accommodations with limited meals are provided or offered for transient or temporary guests for compensation.

**BEACON** -- Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move

**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. In cases where platting is incomplete or disconnected, the zoning administrative official shall determine the outline of the block

**BOARD** -- The Zoning Board of Adjustment as established in Section 19

**BOARDING HOUSE** -- A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

**BREEZEWAY** -- A covered passage one story in height and six feet (6') or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building

**BUFFERYARD** -- A bufferyard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them

**BUILDING** -- Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building

**BUILDING AREA** -- The portion of a lot remaining after required yards have been provided

**BUILDING FOOTPRINT** -- The area of the building in contact with the ground

**BUILDING, HEIGHT OF** -- The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

**BUILDING LINE** -- A line parallel or approximately parallel to the street right-of-way line at a specific distance therefrom marking the minimum distance from the street right-of-way line that a building may be erected.

**BUILDING MARKER** -- Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**BUILDING MATERIALS AND LUMBER YARD** -- A business which stocks building materials, such as fencing, wire, bricks, cement, and lumber, for use in building construction and landscaping

**BUSINESS** -- Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.

**CABINET SHOP** -- A building and/or premises used for the design and construction of cabinets, shelves and similar structures for subsequent sales, installation and use in homes, businesses and offices.

**CALIPER** -- Diameter of the trunk measured one foot (1') above ground level

**CANOPY TREES** -- A perennial woody plant, single or multiple trunks, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees

**CARPORT** -- An open-sided shelter for automobiles which may be formed by the extension of a roof from the side of a building and which have no more than one of its sides enclosed

**CAR WASH** -- A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

**CELLAR** -- A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

**CEMETERY** -- Land used or intended to be used for the burial of the dead humans, including mausoleums and mortuaries

**CERTIFICATE OF OCCUPANCY (OR PERMIT)** -- An official certificate issued by the City through the administrative official which indicates conformance with or approved conditional waiver from the Building and Zoning Regulations and authorized legal use and occupancy of the premises for which it is issued.

**CHURCH OR RECTORY** -- A place of worship and religious training of recognized religions including the on-site housing of ministers, rabbis, priests, and nuns

**CITY COUNCIL** -- The governing body of the City of Kenedy, Texas

**CITY ADMINISTRATOR** -- The highest administrative official of the city or his/her designated representative

**CLINIC** -- Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients

**COLLECTOR STREET** -- As defined by the City's latest approved Subdivision Ordinance.

**COMMERCIAL MESSAGE** -- Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity

**COMMUNITY CENTER** -- A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City

**COMPREHENSIVE PLAN** -- The Comprehensive Plan of the City of Kenedy, Texas, as adopted by the City Council of the City of Kenedy

**CONDITIONAL USE** -- A use which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood would promote the health, safety and welfare of the community.

**CONDOMINIUM** -- A multi-family dwelling facility within which designated units or apartments are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roofs, parking space, and the land

**CONVALESCENT HOME** -- Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age

**CONTRACTOR YARD** -- A building and/or premises for the storage of materials, tools, products and vehicles used in the conduct of a construction business related to heating and air conditioning service, building construction, electrical service, landscaping service, plumbing service, utility service, etc

**COUNTRY CLUB (PRIVATE)** -- An area of land containing either a golf course or tennis courts, or both, and a clubhouse and which is available to members only. Country clubs may contain adjunct facilities such as private club, dining room, swimming pool, and other similar recreational or service facilities

**COURT** -- An open, unoccupied space, bounded on three (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space

**DAY CARE NURSERY** -- A place where twelve (12) or more children are left for care a part of the twenty-four (24) hours of the day

**DAY CARE HOME, FAMILY** -- A place meeting the requirements and registered as a Registered Family Home with the Texas Department of Human Services where twelve (12) or less children are left for care for less than twenty-four (24) hours a day.

**DISTRICT (ZONING)** -- A section of the City of Kenedy, Texas, for which the regulations governing the area, height, or use of the land and buildings are uniform.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND** -- Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises

**DWELLING, ONE FAMILY** -- A detached residential dwelling unit, other than a manufactured home, designed for and occupied by one family only

**DWELLING, TWO FAMILY** -- A detached residential building containing two dwelling units, designed for occupancy by not more than two families

**DWELLING, THREE FAMILY** -- A detached residential building containing three dwelling units, designed for occupancy by not more than three families

**DWELLING, FOUR FAMILY** -- A detached residential building containing four dwelling units, designed for occupancy by not more than four families.

**DWELLING, MANUFACTURED HOME** -- Means a structure. (i) constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning and cooling systems of a home

**DWELLING, MOBILE HOME** -- Means a structure (i) constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections, and (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and includes the plumbing, heating, air conditioning and cooling systems of a home

**DWELLING, SUBSIDIARY** -- A separate living quarters with separate kitchen facilities, which is in addition to the principal dwelling unit on a single-family lot

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

**EFFICIENCY APARTMENT** -- An apartment having a combination living and bedroom (no separate bedroom).

**ENHANCED PAVEMENT** -- Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped or stained concrete.

**FAMILY** -- One (1) or more persons who are related by blood, marriage, adoption, or foster assignment living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis, but not including a group occupying a hotel, motel, boarding house, club, dormitory, fraternity or sorority house

**FARM** -- An area of two (2) acres or more which is used for the growing of farm products such as vegetables and grain as well as raising thereon of the usual farm poultry and farm animals such as horses, mules, cattle, sheep, and swine

**FARMER'S MARKET** -- Two or more stands or stalls that are owned, leased, or rented for the display or vending of fruit, vegetables, and other garden or farm crop

**FEED STORE** -- A commercial establishment which sells animal feed; feeding troughs; animal cages, pens, and gates; fencing materials; pesticides; seeds; and other gardening farming, and ranching supplies. The sale of baby chicks, rabbits, guinea pigs, and other similar small or domesticated animals may be permitted only with a specific use permit and in accordance with all ordinances

**FENCE** -- Any construction or hedge greater than thirty inches (30") in height and of any material the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence. Dikes and retaining walls for the purpose of diverting water and retaining soil are not classified as a fence

**FINE ARTS** -- Music, painting, sculpture, and including drawing, etchings, ceramics, inlays, needlework, knitting, weaving, and craftwork involving leather, wood, metal and glass

**FLAG** -- Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity

**FLEA MARKET** -- A collection of two or more stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.

**FLOOD PLAIN** -- An area identified by the Federal Emergency Management Agency as possibly being flood prone or below the intermediate flood line (100 year flood plain). The issuance of building permits for construction of any structure within such flood plain is regulated by separate specific ordinance governing the safeguards, preventive actions against flooding, types of uses permitted in flood prone areas, etc.

**FLOODWAY** -- The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge flood waters

**FLOOR AREA** -- The total (gross) square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, porches, carports or garages that are not designed for residential or business occupancy

**FLOOR AREA RATIO (FAR)** -- An indicated ratio between the numbers of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; It is the number resulting from dividing the main building(s) floor area by the lot area

**FREIGHT TERMINAL, MOTOR** -- A property or building in which freight is brought by common carriers during and is stored for interstate or intrastate shipment by motor truck, including the necessary warehouse space for storage of transitory freight.

**FREIGHT TERMINAL, RAILROAD** -- A property or building in which freight is brought by common carriers during and is stored for interstate or intrastate shipment by rail, including the necessary warehouse space for storage of transitory freight

**FRONTAGE** -- All the property abutting on one side of the street between two intersecting streets, measured along the street line

**GAME HALL** -- A facility open to the public and used for the playing of games of chance, skill, sport or amusement. Such games include but are not limited to the following: dominoes, cards, bingo, billiards, darts, and amusement machines



**GARAGE, PRIVATE** -- An enclosed accessory building for storage only of motor vehicles, boats, travel trailers, and household goods owned and used by the owners or tenants of the premises

**GARAGE, PUBLIC** -- A building or portion thereof designed or used for the storage, sale, hiring, care painting or repair of motor vehicles, which is operated for commercial purposes

**GARAGE, STORAGE (PARKING)** -- A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

**GARAGE SALE** -- An occasional sale at retail open to the public and conducted on a residential premise in a residential district, or in a community facility district, for the purpose of disposing of personal property by a person who does not hold himself out as engaging in, or does habitually engage in, the business of selling such property at retail. The term includes, but is not limited to all sales entitled "lawn", "yard", "room", "backyard", "patio", or "rummage" sale. The term does not include situations where no more than three (3) specific items are offered for sale and all advertisements of such sale specifically name those products to be sold.

**GOVERNMENT OFFICE** -- Any building or facility either owned or leased for use by local, state or federal governments and in which the affairs of the governmental body are carried on

**GRADE** -- The measure of vertical and elevation above some reference point usually mean sea level. Grade is measured as follows:

- a. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;
- b. For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street,
- c. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building

Any wall approximately parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Building Inspector shall establish such sidewalk level or its equivalent for the purpose of these regulations

**GROUND COVER** -- Low growing, dense spreading plants typically planted from containers.

**GROUP HOME** -- A residential facility licensed by the Texas Department of Human Resources to house up to six (6) handicapped and/or mentally retarded persons and two (2) supervisors.

**HALFWAY HOUSE** -- A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state, for federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society

**HEATING/AIR CONDITIONING (AC) SALES & SERVICE** -- An establishment selling heating and air conditioning units, supplies and parts and/or providing the servicing and installation of heating and air conditioning equipment.

**HEAVY EQUIPMENT SALES** -- A business offering for sale, and including the servicing and repair of, equipment as construction graders, earth movers, backhoes, cement mixer trucks, dirt moving trucks, etc

**HEIGHT OF BUILDING** -- 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, 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, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet (10') in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

**HEIGHT OF YARD OR COURT** -- The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

**HOBBY** -- An accessory use housed in a dwelling or in an accessory building in which the residents of the premise engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof and from which no compensation, revenue, or value may be derived, and in which no goods may be publicly displayed, offered for sale or advertised for sale, nor any sign be used in connection therewith.

**HOME OCCUPATION** -- An occupation conducted in a dwelling unit, provided that:

- a No person other than members of the family residing on the premises shall be engaged in such occupation,
- b The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than two hundred and fifty square feet (250 sq. ft.) of floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. No sign advertising a home occupation shall be placed on property where a home occupation is conducted.
- d Contractors who work at other locations but use their home as a base of operations may store equipment and materials associated with their trade only within a totally enclosed building or otherwise screened from view from the street or from neighbors. All storage areas must be well maintained and kept free of weeds, litter, and debris. Parking for any employees (assistants, apprentices, etc.) must be off the street on a paved surface, at the rear of the residence.
- e There shall be no sales from the dwelling in connection with such home occupation; any sales shall be clearly secondary.
- f No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g No equipment, process or work shall be used or conducted in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- h The operation of beauty culture schools, beauty parlors, barbershops, or lawn mower or other small engine repair shall not be permitted as a home occupation.

I No outdoor storage of any type shall be permitted with any home occupation.

**HOSPITAL** -- An institution or place where sick or injured patients are kept overnight and given medical or surgical care.

**HOTEL** -- One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. A hotel includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

**INDUSTRIAL PARK** -- A parcel of land which has been planned and/or coordinated for a variety of industrial and related activities and business uses. This development may be on a one parcel or may be subdivided. The project is either owned, controlled or managed by a single entity and has its own master plan and/or covenants, conditions, and restrictions.

**INDUSTRIALIZED HOUSING** -- A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location of the purpose of selling it and moving it to another location.

**INDUSTRIALIZED BUILDING** -- A commercial or industrial structure that is constructed on one or more modules or constructed using one or more modular components built at a location other than the permanent site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial or industrial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any commercial structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance.

**JUNK** -- The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

**JUNKED VEHICLE** -- A vehicle that is self-propelled and inoperable and:

1. Does not lawfully have attached to it:
  - a. An unexpired license plate, or
  - b. A valid motor vehicle inspection certificate; or
2. Is wrecked, dismantled or partially dismantled, or discarded; or
3. Has remained inoperable for more than 45 consecutive days. For this purpose, "operable" means capable of moving under its own power and meeting the specifications required to pass a Texas motor vehicle inspection.

**KENNEL** -- Any lot or premises on which six (6) or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

**KINDERGARTEN** -- A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

**LANDSCAPE ARCHITECT** -- A person registered as a Landscape Architect in the State of Texas pursuant to state law.

**LANDSCAPE AREA** -- An area, which is covered by natural grass, ground cover, or other natural plant materials

**LAUNDRY** -- A building or place where clothes and linens are washed and thoroughly dried and pressed by the use of washing, drying, and ironing machines for fee basis and shall include the term "cleaners," and "dry cleaners "

**LAWN GRASSES** -- Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

**LEATHER GOODS, RETAIL** -- A commercial establishment which sells leather materials and supplies or leather goods

**LEGAL NON-CONFORMING USE, BUILDING OR YARD** -- A use, building or yard existing legally at the time of the passage of this ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this ordinance, which does not conform to regulations of the district in which it is situated, shall be illegal.

**LICENSED IRRIGATOR** -- A person duly licensed by the State of Texas to design and install irrigation systems

**LIVESTOCK** -- Animals typical of those that may be kept or raised on a farm or ranch, including but not limited to hoofed animals (horses, cows, sheep, goats, etc.), raptiles (ostriches, emus, etc.), poultry (chickens, ducks, geese), and fur-bearers (rabbits, minks, etc.)

**LIVING UNIT** -- Same as Dwelling Unit

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

**LOT** -- An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded (See Lot of Record)

**LOT COVERAGE** -- The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot, but shall exclude driveways and parking areas

**LOT FRONTAGE** -- The length of street frontage between property lines

**LOT LINES** -- The lines bounding a lot as defined:

- a **LOT LINE, FRONT** -- The boundary between a lot and the street on which it fronts

- b **LOT LINE, REAR** -- The boundary line, which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear, line.
- c **LOT LINE, SIDE** -- Any lot boundary line not a front or rear line thereof. A side line may be a partly lot line, a line bordering on any alley or place or side street line

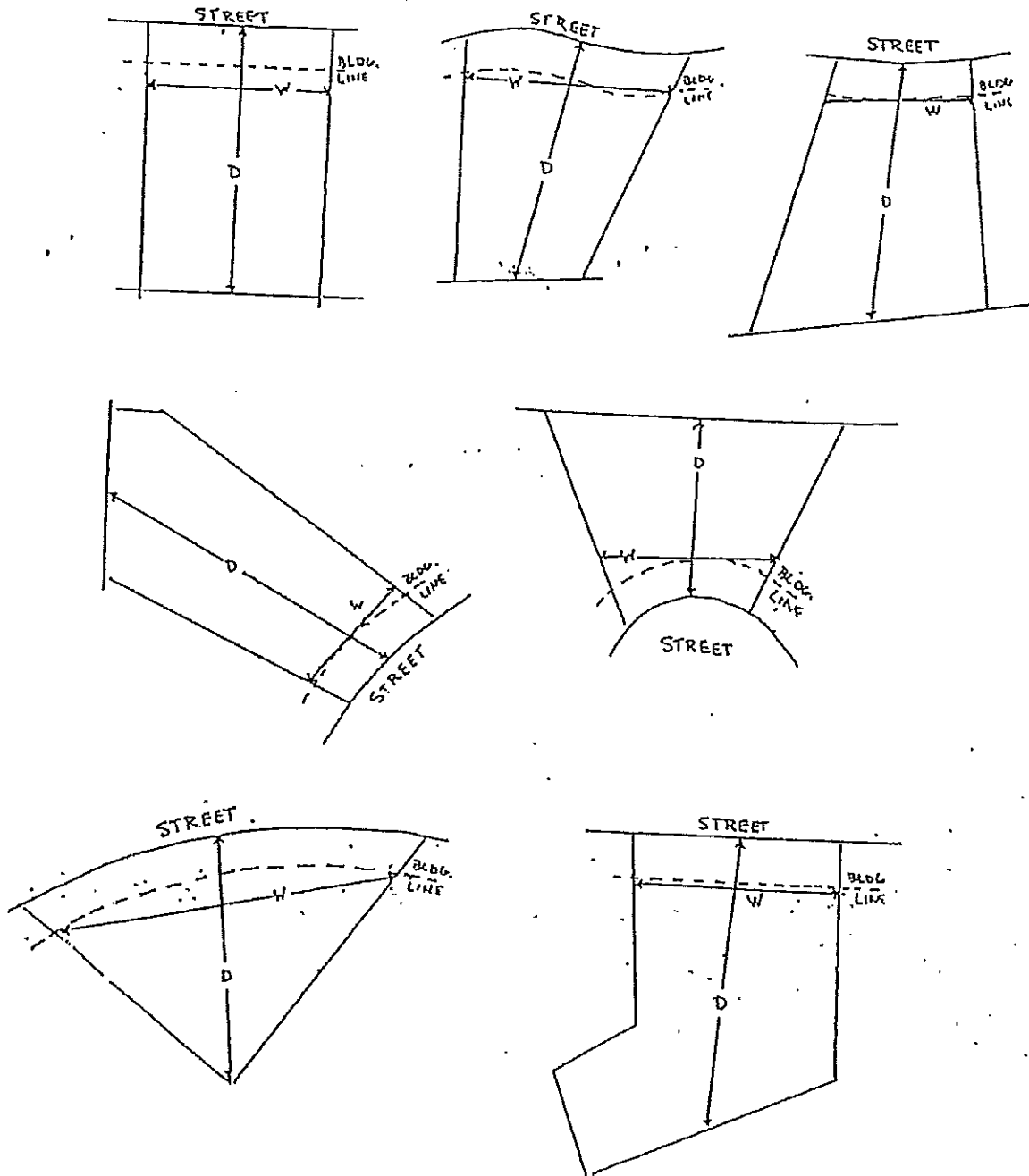
**LOT MEASUREMENT -- (See Figure 1)**

- a Area of the lot shall be the area of the lot within the lot lines, expressed in square feet or acreage, including easements, and shall not include portions of any public street or alley.
- b Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot line in the rear (the mean horizontal distance between the front and rear lot line).
- c Interior Area is the area of the lot remaining after subtracting out the area included in the bufferyards
- d Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply

**LOT TYPES -- (See Figure 2)**

- a Corner Lot -- A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Administrative Official
- b Interior Lot -- A lot other than a corner lot with only one street frontage and whose side lot lines do not abut upon any street.
- c Through Lot -- A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage" lots
- d Cul-de-Sac Lot -- A lot whose frontage is along the turn around portion of a street which has only one opening and terminates with a turn around at the closed end.

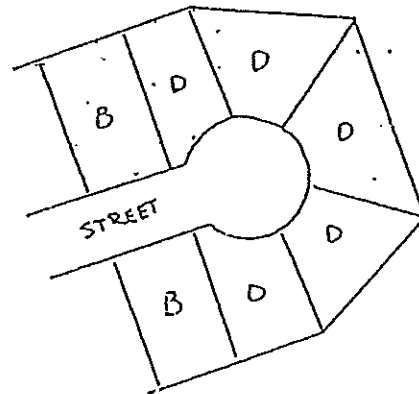
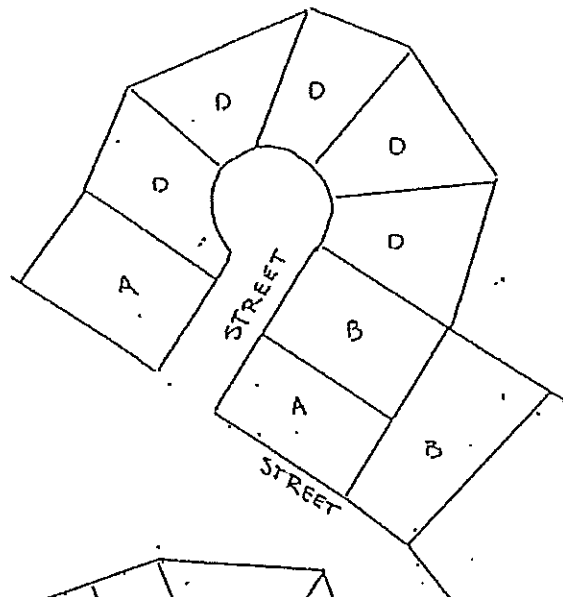
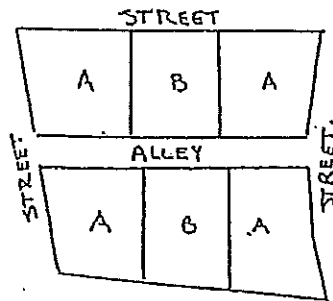
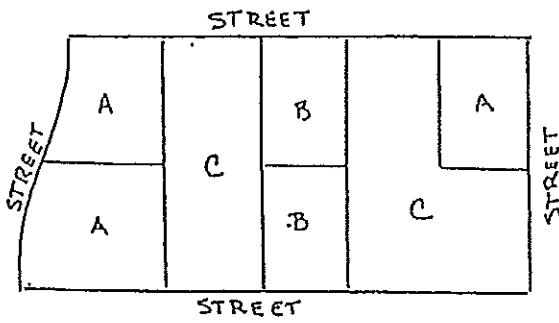
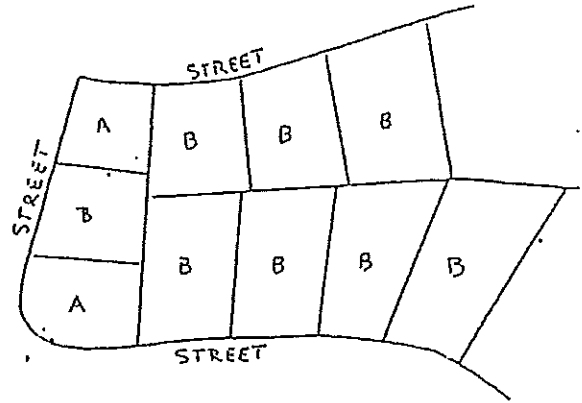
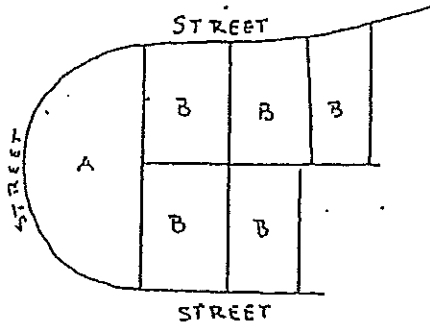
Figure 1  
LOT MEASUREMENTS



W - Width

D - Depth

Figure 2  
LOT TYPES



- A - Corner Lot
- B - Interior Lot
- C - Through Lot
- D - Cul-de-sac Lot

**LOT OF RECORD** -- A lot, which is part of a subdivision recorded in the office of the County Clerk

**MAIN (PRINCIPAL) BUILDING** -- The building or buildings on a lot, which are occupied by the primary use.

**MARQUEE** -- Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and construed to provide protection from the weather

**MASONRY OR MASONRY UNITS** -- That form of solid construction composed of stone, brick, concrete, gypsum, hollow clay tile or other similar building units or materials or combination of these materials which must be laid up unit by unit and set in mortar

**MASSAGE ESTABLISHMENT** -- Any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician, osteopath, chiropractor or a registered nurse or a doctor whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include duly licensed beauty parlors or barber shops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such physician's direction

**MINI WAREHOUSE** -- A totally enclosed facility involving one or more buildings and multiple individual units the purpose of which is exclusively for the storage of goods. Retail or wholesale, offices, manufacturing, fabrication, service, repair, or any other type of commercial or business enterprise is expressly prohibited from this type facility. Storage of hazardous and flammable materials as designated by the Fire Marshal is expressly prohibited from this type facility.

**MOBILE HOME** -- See "Dwelling, Mobile Home"

**MOBILE HOME PARK OR SUBDIVISION** -- A parcel of land upon which mobile homes are placed or located for purposes of occupancy

**MOTOR VEHICLE COLLECTOR** -- A person who owns one or more antique or special interest vehicles; and acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve as an antique or special interest vehicle for historic interest

**NEIGHBORHOOD CONVENIENCE CENTER** -- Centers which carry convenience goods, such as groceries, drugs, hardware and some variety items, and also may include some service stores. The neighborhood convenience center may contain one or two small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas

**NIGHTCLUB OR DANCE HALL** -- An establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment: Live, recorded or televised entertainment, including, but not limited to performances by magicians, musicians or comedians; dancing; or any combination of the above

**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

**NUDE MODEL STUDIO** -- "Nude Model Studio" means any place where a person appears in a state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a person appearing in a state of nudity who did so in a modeling class operated:



- 1 by a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;
- 2 by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or
- 3 In a structure:
  - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
  - b. where in order to participate in a class a student must enroll at least three days in advance of the class; and
  - c. where no more than one nude model is on the premises at any one time

**NUDITY, STATE OF NUDITY** -- "Nudity" or "State of Nudity" means less than completely and opaquely covered;

- 1 human genitals, pubic region or pubic hair, or
2. human buttock; or
- 3 female breast or breasts below a point immediately above the top of the areola; or
- 4 any combination of the foregoing.

**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 unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

**ORCHARD** -- An area of one acre or more which is used for the growing of fruit trees.

**PARK OR PLAYGROUND (PUBLIC)** -- An open recreation facility or park owned and operated by a public agency such as the city or the school district and available to the general public or neighborhood use

**PARKWAY** -- That area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way line.

**PARKING SPACE, OFF-STREET** -- For the purposes of this ordinance, an off-street parking space shall consist of an indoor or outdoor space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

**PAVING SETBACK** -- A line parallel or approximately parallel to the street right-of-way at a specified distance therefrom marking the minimum distance from the street right-of-way line that any pavement, including parking lots and necessary maneuvering areas, may be constructed, except for approved driveway and pedestrian access.

**PENNANT** -- Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind

**PERMEABLE PAVEMENT** -- A paving material that permits water penetration

**PERMITTED USES** -- Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district

**PERSON** -- "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity

**PERSONAL SERVICES** -- Businesses which provide services customized for an individual generally involving the care of the person or his or her apparel including, but not limited to barber and beauty shops, shoe and boot repair, dry-cleaning shops, laundries, reducing salons, and health clubs.

**PLANNING AND ZONING COMMISSION** -- The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning ordinance and fulfill the functions authorized by the City Council and State Law.

**PLANT NURSERY** -- An establishment which grows and sells plants, flowers, shrubs, grass and other items typically used as and associated with outdoor landscaping or houseplants

**PLAT** -- A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Kenedy and subject to approval by the Planning and Zoning Commission. Reference to a plat in this ordinance means an official plat of record, which has been approved by the Planning and Zoning Commission and filed in the plat records of Karnes County

**PLUMBING SALES AND SERVICE** -- An establishment selling plumbing supplies and parts and/or providing the repair and installation of plumbing and fixtures.

**PREMISES** -- Land together with any buildings or structures occupying it.

**PRINT SHOP** -- An establishment utilizing letter press, duplicating equipment, rotary presses or linotype equipment to produce in printed form orders for its clients or customers

**PRIVATE CLUB** -- Facilities where food, beverages (including alcoholic beverages), entertainment, or meeting space are provided to members only

**PRIVATE DRIVE (STREET OR PLACE)** -- An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

**PRIVATE CLUB** -- As association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business

**PRODUCE STAND** -- A store, stand or stall used for the display or vending of fruit, vegetables, and other garden or farm crop

**PROFESSIONAL OFFICE** -- A room or group of rooms occupied by a physician, optometrist, psychologist, chiropractor, dentists, attorney, engineer, survey, architect, accountant, planner, management consultant, or any other similar vocation. Veterinary clinics are specifically excluded from this definition.

**RECREATIONAL EQUIPMENT, MAJOR** -- Major recreational equipment is defined to include boats, trailers and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive

vehicles), motorized dwellings, tent trailers, horse trailers, utility trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not

**RANCH** -- An area of 2 or more acres which is used for the keeping or raising of farm animals and livestock including, but not limited to horses, mules, sheep, goats, cattle, and swine

**RECREATIONAL VEHICLE** -- A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

**RECREATIONAL VEHICLE PARK** -- Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of occupancy of camper vehicles, recreational vehicles, tents, or trailers for any length of time

**RECYCLING COLLECTION FACILITY** -- A facility designed to collect, sort, and package, by either manual or mechanical processes, recyclable items for transport to a processing plant

**RENTAL STORE** -- An establishment which offers an array of items such as appliances, furniture, stereo equipment, televisions, etc. At a stated price for a fixed interval of time under a lease or rental agreement

**RESIDENCE** -- Same as dwelling; also when used with the word District, an area of residential regulations.

**RESTAURANT** -- Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment including cafes, bistros, cafeterias, and other fast food and drive-in establishments.

**REVERSED FRONTAGE** -- Reversed frontage is a lot abutting two or more streets at their intersection. A reversed frontage lot shall be deemed to front on that street at which it has its greatest frontage unless otherwise specified by the Administrative Official

**ROOM** -- A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities

**ROOMING HOUSE** -- A building other than a hotel where lodging for three (3) but not more than twelve (12) persons is provided for definite periods for compensation pursuant to previous arrangements.

**SALVAGE**-- Shall necessarily include discarded, abandoned, junked, wrecked, dismantled, worn out or ruined motor vehicles (including automobiles, trucks, tractor, trailers, and buses) motor vehicle parts, boats, travel trailers, cranes, machinery or equipment, machinery or equipment parts, recreational vehicles and/or any junk.

**SALVAGE YARD** -- Any lot or tract of land upon which three or more discarded, abandoned, junked, wrecked, dismantled, worn out or ruined motor vehicles, or motor vehicles parts are kept, stored, bought, sold, recycled or otherwise placed, or are disassembled, dismantled, stripped, scrapped, recycled or cut up. This shall include automotive wrecking yard and automotive graveyard

**SCHOOL** -- A place having a curriculum for the purpose of giving instruction, training or education in a service, art, trade or for general knowledge

**SCREENING DEVICE** -- A fence, wall, hedge or other device, which is solid, made of durable material and without holes, penetrations or other openings other than those required for passage and which is designed to prevent persons from seeing through. A screening device shall be at least six feet (6') in height but no more than eight feet (8') in height unless otherwise specifically permitted by the provisions of this ordinance or unless approved as a variance by the Board of Adjustment

**SEASONAL COLOR** -- Landscape areas used for annual and perennial flowers intended to maintain year-round color accents

**SEAT** -- For the purposes of this ordinance, such sitting space as needed, or is designed to be used for one person to sit down and occupy

**SECOND HAND STORE** -- An establishment specializing in the sale of previously used materials, goods and merchandise of less than twenty years of age and of that material, goods and merchandise over twenty years of age which do not derive their value as a result of their age.

**SERVANT OR CARETAKER'S QUARTERS** -- A secondary dwelling unit located on a lot with a main residential structure and used as living quarters for persons employed on the premises and not for rent or use as a separate domicile by persons other than those employed on the premises or their immediate family

**SERVICE STATION** -- A business establishment where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and the servicing of vehicles occurs, but not including the major overhaul of automobiles, body work, or repair of heavy trucks and equipment

**SETBACK** -- The distance from the property line to the nearest part of the building, structure or sign, measured perpendicularly to the property line See also "Building Line "

**SEXUALLY ORIENTED BUSINESS** -- Any commercial enterprise whose primary business is the offering of a service of the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer This includes, but is not limited to any love parlor, adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio.

**SHOPPING CENTER OR MALL** -- A planned and coordinated grouping of retail business and service uses on a single site or a combination of sites where special attention is given to on-site vehicular circulation, parking and building design and orientation

**SHOWROOM WAREHOUSE** -- A sales and office facility for a product that by nature of the bulk dimensions of the product requires a larger than normal storage area ratio to sales and office area to maintain a normal operating product inventory. A showroom warehouse is specifically not intended to be a wholesale distribution center.

**SHRUBS** -- Plants, which grow vertically in a multi-branched growth pattern

**SIGN** -- A presentation of letters, numbers, figures, pictures, emblems, insignias, lines or colors or any combination thereof, displayed for the purpose of information, direction or identification, or to advertise or promote a business, service, activity, interest or product

**SPECIAL EXCEPTION** -- A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would be wholly compatible with conditions affecting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare Such uses may be permitted in such zoning district as special exceptions if approved by the Board of Adjustment (See Section 19)

**SPECIAL INTEREST VEHICLE** -- A motor vehicle of any age that has not changed from original manufacturers specifications, and because of its historic interest, is being preserved by a hobbyist.

**SPECIFIED ANATOMICAL AREAS** -- "Specified Anatomical Areas" means human genitals, pubic regions, buttocks and female breast below a point immediately above the top of the areola

**SPECIFIED SEXUAL ACTIVITIES** -- "Specified Sexual Activities" means and includes any of the following.

- 1 the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- 2 sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; and
- 3 masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above

**STABLE OR BARN (COMMERCIAL)** -- A structure or building used for the boarding and quartering of horses, cows or other domestic livestock on a fee or other remuneration basis

**STABLE OR BARN (PRIVATE)** -- A structure or building used for quartering horses, cows or other domestic livestock of the property owner

**STORY** -- That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet (4') above the curb level, established or mean street grade or average ground level

**STREET** -- A public way between two right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public and accepted by the City for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

**STREET FRONTAGE** -- The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**STREET LINE** -- The right-of-way of a street

**STRUCTURE** -- Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

**STRUCTURAL ALTERATIONS** -- Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the City Building Code

**SUBDIVISION ORDINANCE** -- The latest approved ordinance providing for the division or redivision of land into two (2) or more lots, tracts, sites, or parcels for the purpose of development

**SWIMMING POOL, PUBLIC** -- A recreational facility used for swimming which is open to the public and/or for which a membership is required, or a fee or charge is made for the use of the facility.

**TACK STORE** -- A commercial establishment which sells horse equipment such as saddles, bridles, blankets, riding accouterments, etc

**TELEVISION SATELLITE DISH** -- An earth-based station shaped like a dish which is used for the reception of

satellite signals for television programs

**TEMPORARY BUILDING** -- A building of no more than 500 square feet that is not permanently attached to the property

**TENNIS COURT, PRIVATE** -- A concrete, clay or asphalt court which is used for the playing of tennis by the owners, employees, or residents of the property and their guests

**TENNIS COURT, PUBLIC** -- A concrete, clay or asphalt court which is used by the general public and/or for which membership is required or a fee or charge is made for the use of the facility

**THOROUGHFARE** -- As defined in the City's latest approved Subdivision Ordinance.

**TOURIST HOME OR DUDE RANCH** -- A dwelling in which accommodations are provided or offered for transient or temporary guests for compensation

**TOWER** -- any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, personal telecommunications towers and similar structures.

**TOOL AND EQUIPMENT RENTAL**- An establishment which offers an array of tools and equipment and machinery such as cranes, backhoes, trucks, tractors, etc. At a stated price for a fixed interval of time under a lease or rental agreement

**TOWNHOUSE** -- A single family dwelling facility constructed in a series, or group of units having common walls, each on a separate lot of record

**TRAVEL TRAILER** -- A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highway as contrasted to a mobile home

**UNDERGROUND SHELTER** -- A concrete structure designed for the protection of humans from tornadoes or from nuclear blast, heat or fall-out, the main portion of which is underground.

**UNDERSTORY/ACCENT TREES** -- Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

**USE** -- The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied

**USE, ACCESSORY** -- A subordinate use on the same lot with the principal use and incidental and accessory thereto

**UTILITY FACILITIES** -- Any water supply, water treatment, water pumping, water storage or other water facility; any sewerage treatment or pumping facility; any electrical generating facility, electrical transmission, switching facility, or electrical substation, any telephone exchange or other similar telephone communication facility; any natural gas pumping or storage facility; or any cable television receiving or transmission facility, when owned and operated by the City of Kenedy the City of Kenedy, or any utility or communications concern operating under a franchise approved by the City Council

**VARIANCE** -- A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the

actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Except as specifically authorized in Sections 20 and 21, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance except as provided in Sections 20 and 21, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**VETERINARY CLINIC** -- An establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed structure. This term shall also include "animal clinic".

**WASHATERIA** -- A building or place where clothes and linens are washed and thoroughly dried on a self-service basis by the use of washing, drying and ironing machines.

**YARD** -- A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**YARD, FRONT** -- A yard extending between side lot lines across the front of a lot adjoining a public street (See Figure 3).

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administrative Official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of the depths required for second front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Administrative Official shall determine the front yard requirements, subject to the following limitations.

- a. At least one front yard shall be provided having the full depth required generally in the district;
- b. No other front yard on such lot shall have less than the minimum required second front yard for corner lots.

Depth of required front yards shall be measured at right angles to the front lot line.

**YARD, SIDE** -- A yard extending from the rear line of the required front yard to the front of the required rear yard, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. (See Figure 3).

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

**YARD, REAR** -- A yard extending across the rear of the lot between lot lines. In the case of through lots there will be no rear yards, but only front and side yards. All other lots will have rear yard. (See Figure 3).

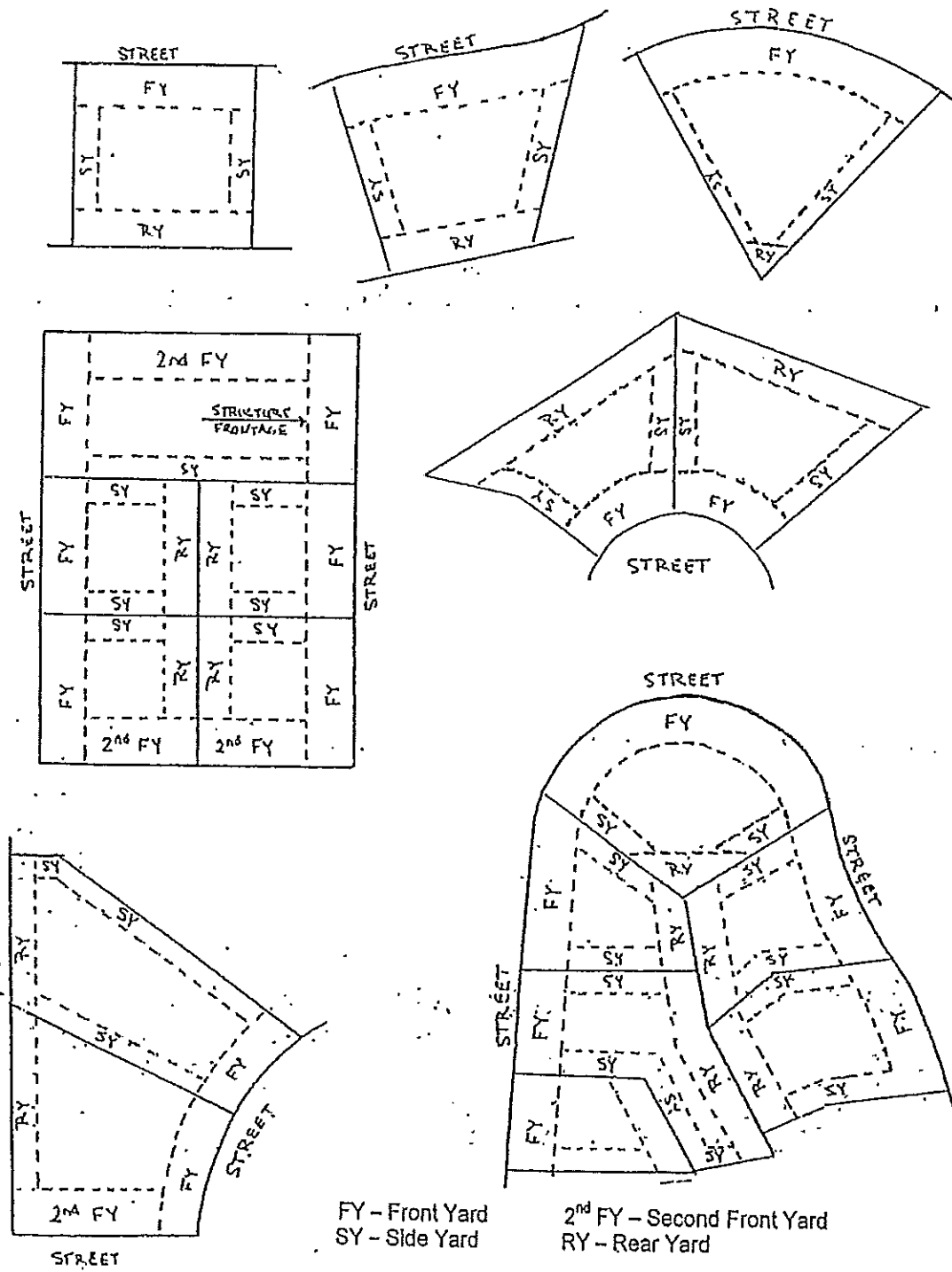
Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

In cases where a rear lot line is not evident, or if evident but not parallel to the front building line, the minimum rear yard requirement shall be the distance from the rear-most point of the lot along a line from that point drawn perpendicular to a line drawn from the foremost points of the two side lot lines, providing that the rear yard is parallel to at least one lot line along the rear of the lot.

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



Figure 3  
YARD ORIENTATION



## SECTION 5 DISTRICTS AND DISTRICT BOUNDARIES

In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged, to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Kenedy is hereby divided into nine (9) zoning districts to be known as follows.

"A"	Agricultural District, or District "A"
"RE"	Residential Estate District, or District "RE"
"SF"	Single Family District, or District "SF"
"MF"	Multiple Family District, or District "MF"
"C"	Commercial District, or District "C"
"CBD"	Central Business District, or District "CBD"
"I"	Industrial District, or District "I"
"MH - 1"	Manufactured Home District – 1 or District "MH - 1"
"MH - 2"	Manufactured Home District – 1 or District "MH - 2"

The term "more restricted district" means one with fewer permitted uses and the term "less restricted district" means one with more permitted uses

The districts aforesaid, and the boundaries of such districts, shall be as hereinafter described, and as shown upon the map attached hereto and made a part of this ordinance, said map being designated "Zoning Map of the City of Kenedy, Texas", and said map and all notations, references, and other information shown thereon shall be a part of this ordinance the same as if all such matters and information were fully described herein. Such uses as listed but not shown on the Zoning Map are provided for future growth and use. The original of said map shall bear the date with the passing of this ordinance and shall be signed by the Mayor and attested by the City Secretary, under the seal of the City of Kenedy, Texas; said original map shall be kept in the office of the City Secretary in the Kenedy City Hall, and a replica thereof shall be produced upon paper in such reduced scale as will permit its being attached to this ordinance

It shall be the duty of the City Secretary to keep the official maps and current copies up to date, by entering on such maps any changes that the City Council may from time to time order by amendments to the Zoning Ordinance and Map

## SECTION 6 "A" AGRICULTURAL DISTRICT

### A. PURPOSE

The purpose of this district is for the general continuance of certain farm, ranching, residential uses and non-urban uses of land, which is not anticipated to be put to an urban-developed use in the immediate future. This district classification is to be used only in the outlying areas of the City's urban development, in newly annexed areas, or on major tracts of land containing ten (10) acres of land or

more. Upon the subdivision of land within this district for sale or intended use other than those noted below, the appropriate zoning district and classification for which the land subdivision is intended shall be required

## **B. USE REGULATIONS**

In the "A" Agricultural District no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a certificate of occupancy be issued, except for one or more of the following uses:

### **a. PERMITTED USES**

1. Single-family dwelling.
2. Farms, orchards, truck gardens, and nurseries for the growing of plants and similar agrarian activities, involving the growing of plants, provided that no operation shall be conducted which will be obnoxious or offensive.
3. Animal lots and ranches for pasturing of horses, mules, cattle, sheep, goats, poultry, rabbits, or ratites (emus, ostriches, etc.)
4. Single-family dwellings clearly incidental to the operation of the above listed activities, including dwellings on the same farm or ranch used exclusively for the housing of employees living on the premises.
5. Principal and accessory buildings and structures clearly incidental to the above operations, including but not limited to private barns, private stables, equipment sheds, granaries, pump houses, and water tanks
6. Installations owned and operated by the City of Kenedy, Karnes County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through the "A" Agricultural District
7. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C.1. below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created
8. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
9. Public buildings, including libraries, museums, police and fire stations
10. Schools, public, elementary or high schools
11. Schools, private, with curriculum equivalent to that of a public elementary or high school

12. Water supply reservoirs, pumping plants and towers
13. Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise

**b. CONDITIONAL USES**

- 1 Utility facilities
- 2 Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M
- 3 Bed and Breakfasts
- 4 Commercial Barn or Stable or Riding arena, subject to the requirements of Section 16, paragraph K.
- 5 Churches

**C. HEIGHT AND AREA REGULATIONS**

In the "A" Agricultural District the height of buildings and structures, and the minimum dimensions of yards shall be as follows:

- 1 Height: No building or structure hereafter erected, reconstructed, altered or enlarged shall exceed three and one-half (3 1/2) stories nor shall it exceed sixty feet (60').
2. Maximum Lot Coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 25 percent.

**SECTION 7  
"RE" RESIDENTIAL ESTATE DISTRICT**

**A. PURPOSE**

This zoning classification is for large-lot residences with a capability of keeping and maintaining limited numbers of livestock and other animals. It should be applied in areas of large lots and rural estate-type subdivision design and layout. This zoning classification should be applied in areas of the City to conserve rural neighborhood character and value and buildings.

**B. USE REGULATIONS**

In the "RE" Residential Estate District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

a. PERMITTED USES

- 1 One (Single) Family Dwellings
- 2 Accessory storage buildings and greenhouses when located behind front set back, a minimum of five feet (5') from other property lines and not on any easement.
- 3 Hobbies or crafts, as an accessory use.
- 4 Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the Administrative Official. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period
- 5 Family Day Care Homes (12 children or less).
- 6 Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon
- 7 Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery
- 8 Real Estate sales office for property located within the sub-division in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel within the sub-division. Field offices for the sale or rental of real estate shall be removed upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the sub-division in which it is located
- 9 Any typically permitted secondary or accessory uses allowed in the district in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Administrative Official determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable
10. Utility facilities
11. Group homes as provided under State and Federal law.
12. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C 2 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

13. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency
14. Public buildings, including libraries, museums, police and fire stations
15. Schools, public, elementary or high schools.
16. Schools, private, with curriculum equivalent to that of a public elementary or high school.
17. Water supply reservoirs, pumping plants and towers.
18. Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise

b. CONDITIONAL USES

1. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M.
2. Subsidiary dwelling
3. Churches
4. Bed and Breakfasts

c. SPECIAL EXCEPTION USES

1. Special exception uses authorized by the Board of Adjustment under the provisions of Section 19

C. HEIGHT AND AREA REGULATIONS

In the "RE" Residential Estate District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

1. Floor Space: The main residence shall contain a minimum of 1,500 square feet of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area.
2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 ½) stories nor shall it exceed sixty feet (60').
3. Front Yard: There shall be a front yard of not less than thirty feet (30'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a

City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way

- 4 Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20')
- 5 Side Yard: Corner lots have a minimum side yard of ten feet (10') on side yards adjacent to interior lots. Interior lots shall have a minimum side yard dimension of ten feet (10').
- 6 Width of Lot: The width of a lot shall be a minimum of one hundred feet (100') at the building line.
- 7 Lot Area. The minimum area of a lot shall be one acre or forty-three thousand five hundred sixty square feet (43,560 sq. ft.)
- 8 Maximum Lot Coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 30 percent

## SECTION 8 "SF" SINGLE FAMILY DISTRICT

### A. PURPOSE

This zoning classification is the least of the non-manufactured housing, zones. This zoning classification should be applied in areas of the City to conserve neighborhood character and value and buildings. It is not intended that this zoning district be the subject of major alterations except for a possible re-classification in minor areas for a less restrictive residential use for reasonable adjustment necessary for orderly development of vacant lots or the gradual transition from other districts

### B. USE REGULATIONS

In the "SF" Single Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses.

#### a. PERMITTED USES

1. Single-family Dwellings
2. Hobbies or crafts, as an accessory use
3. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the Administrative Official. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.
4. Family Day Care Homes (12 children or less)
5. Group homes as provided under State and Federal law.
6. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C.2 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish

antennae not exceeding one meters (1 m) in diameter Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created

- 7 Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- 8 Public buildings, including libraries, museums, police and fire stations
- 9 Schools, public, elementary or high schools.
- 10 Schools, private, with curriculum equivalent to that of a public elementary or high school

b. **CONDITIONAL USES**

- 1 Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon
- 2 Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery
3. Real Estate sales office for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel within the subdivision. Field offices for the sale or rental of real estate shall be removed upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located
4. Any typically permitted secondary or accessory uses allowed in the district in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Administrative Official determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.
- 5 Utility facilities
6. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M



7. Subsidiary dwelling
8. Churches
9. Bed and breakfasts
10. Beauty and Flower Shops

c. SPECIAL EXCEPTION USES

1. Special exception uses authorized by the Board of Adjustment under the provisions of Section 19.

C. **HEIGHT AND AREA REGULATIONS**

In the "SF" One-Family District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

1. Floor Space: The main residence shall contain a minimum of 1,000 square feet of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area or a minimum of 880 square feet for residences built under the HOME grant program
2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 ½) stories nor shall it exceed thirty-five feet (60')
3. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way
4. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20'). The Building Inspector may authorize encroachments of up to twenty square feet (20 SF) for fireplaces and/or bay windows that do not restrict access for public safety and/or adjacent property
5. Side Yard: Corner lots have a minimum side yard of ten feet (10') on side yards adjacent to interior lots  
  
Interior lots shall have a minimum side yard dimension of ten feet (10').
6. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has width less than herein required, this ordinance shall not prohibit the erection of a single-family dwelling
7. Lot Area: The minimum area of a lot shall be seven thousand square feet (7,000 sq. ft.)
8. Maximum Lot Coverage: The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent

**SECTION 9**  
**"MF" MULTIPLE FAMILY DISTRICT**

**A. PURPOSE**

This district allows multiple family dwelling use of the land and is intended to comprise larger tracts of land designed to provide total residential amenities of open space, recreation space and areas of protected off-street parking. This district is intended to be located near high volume thoroughfares due to the traffic generating probability of multi-family higher-density dwelling units within this district.

**B. USE REGULATIONS**

In the "MF" Multiple Family District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses.

**a. PERMITTED USES**

- 1 Multi-family residential up to twenty-five (25) units per acre
- 2 Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C.2 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.
- 3 Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- 4 Public buildings, including libraries, museums, police and fire stations
- 5 Single-family dwellings
- 6 Schools, public, elementary or high school
- 7 Schools, private, with curriculum equivalent to that of a public elementary or high school
- 8 Water supply reservoirs, plumbing plants, towers
- 9 Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise
10. Family day care homes (12 children or less)

b. CONDITIONAL USES

- 1 Multi-family residential exceeding twenty-five (25) units per acre
- 2 Apartment hotel or bed and breakfast
3. Convalescent Home
- 4 Private clubs, fraternities, sororities and lodges; excluding those whose chief activity is a service customarily carried on as a business
5. Kindergartens and day care nurseries
- 6 Detached accessory buildings including storage garages are subject to the same regulations as District "SF", except that the lot area per car limitations shall be waived and off-street parking shall be provided as set out in Section 19 Private or storage garages may be constructed as a part of the main building
- 7 Office building
8. Utility facilities
- 9 Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meter (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission Any new towers must also comply with the conditions of Section 16 M
11. Churches

c. SPECIAL EXCEPTION USES

- 1 Special exception uses authorized by the Board of Adjustment under the provisions of Section 19

C. HEIGHT AND AREA REGULATIONS

In the "MF" Multiple Family District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

1. Floor Space. In the "MF" Multiple Family District, each two-family dwelling shall contain a minimum of seven hundred fifty square feet (750 sq. ft.) of livable floor space, exclusive of garage, porches, and breezeways, and incidental storage, for each family to be housed in said dwelling.

Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged, shall contain an average of seven hundred square feet (700 sq. ft.) and a minimum of five hundred and fifty square feet (550 sq. ft.) of total floor area, exclusive of garage, porches, breezeways, and exterior storage for each family to be housed in said building.

This minimum total floor area shall not apply to hotels, or apartment hotels where no provision is made for cooking in any individual room, suite, or apartment. It shall not apply to apartment complexes constructed and used exclusively for elderly retirees.

Additionally, in apartment complexes having fifty (50) or more units, the computation of minimum and average square footage of total floor area may include pro rata of separate recreational rooms or buildings up to ten percent (10%) of the required square footage of livable area.

Total floor area required in apartments constructed and used exclusively for elderly citizens shall provide an average of five hundred square feet (500 sq ft). Dining room and recreational area are included in computing total floor space average.

2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 1/2) stories, nor shall it exceed sixty feet (60') within one hundred feet (100') of a property line of "SF" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 1/2) stories or forty-five feet (45').
3. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
4. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').
5. Side Yard: There shall be a side yard on each side of each main building of not less than ten feet (10') on interior lots. When more than one main building is erected on a platted lot, the distance between buildings shall be not less than twenty feet (20'). For buildings more than two and one-half (2 1/2) stories in height, each side yard shall be increased one foot (1') in width for each story above the second floor. No accessory building on a corner lot shall project beyond the front yard line of the lots in the rear, nor shall accessory buildings be erected closer than ten feet (10') to the line of the abutting lot to the rear.
6. Width of Lot: The width of a lot shall be a minimum of seventy-five feet (75') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required, this ordinance shall not prohibit the erection of a one-family dwelling.
7. Lot Area: In the "MF" Multiple Family District the lot area for two family dwellings shall be no less than eight-four hundred square feet (8,400 sq ft).

Every other building or portion thereof, hereafter erected, reconstructed, altered, or enlarged, shall provide a lot area of not less than fifteen hundred square feet (1,500 sq ft) per family.

This lot area requirement shall not apply to hotels, apartment hotels, or elderly retirement facilities, where no provision is made for cooking in any individual room, suite or apartment.

**D. USABLE OPEN SPACE**

All residential use shall provide and maintain a minimum of two hundred square feet (200 sq. ft.) of Usable Open Space for each dwelling unit. For the purpose of this ordinance, Usable Open Space is as follows.

Usable Open Space shall mean outdoor area, excluding parking and other service areas, which are utilized for livable and/or related amenity, such as outdoor living, associated recreation and/or landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. All usable open space, unless hereinafter excepted, shall be accessible to, and usable by, all residents residing on the site. Private courtyards or balconies may constitute usable open space for the purpose of calculating up to thirty percent (30%) of the total required usable open space. Usable open space may include areas at the ground level and/or on roof, decks or balconies designed for common use; provided, that such areas meet other criteria as hereinafter set forth. The minimum dimension for usable open space at the ground level shall be ten feet (10') and the minimum area shall be one hundred square feet (100 sq. ft.) The minimum dimensions for usable open space located on roofs or decks that are available for common use shall be twenty feet by twenty feet (20' x 20') and the minimum area shall be four hundred square feet (400 sq. ft.). At least one-half of the required open space shall be at the ground level.

**E. SCREENING AND LANDSCAPING**

Each complex shall provide appropriate buffers and landscaping as determined by the Planning and Zoning Commission.

**F. SITE PLAN REQUIREMENTS**

- a. Any owner, builder, or developer of a multiple-family condominium or townhouse dwelling complex shall submit to the Planning and Zoning Commission the site and building plan for the proposed development for review. The contents of this site plan shall contain drawings to scale to indicate as needed:
  1. Location of all existing and proposed structures on the subject property and within twenty feet (20') on adjoining property;
  2. Landscaping and/or fencing of yards and setback areas and proposed changes;
  3. Design of ingress and egress;
  4. Off-street parking and loading facilities;
  5. Height of all structures;
  6. Proposed uses; and
  7. Location, types and heights of all signs and lighting.
  8. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, addresses and phone numbers of the property owner, the applicant and the person preparing the site plan.

- 9 Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection
- b. The purpose of the site plan review is:
1. To insure compliance with the Zoning Ordinance, while allowing for design flexibility,
  2. To assist in the orderly and harmonious development of the City;
  3. To protect adjacent uses from obstructions to light, air, and visibility;
  4. To provide protection from fire;
  5. To avoid undue concentrations of population and overcrowding of land; and
  6. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements
- c. The Planning and Zoning Commission shall, after conducting a public hearing, approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this ordinance and other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. The Commission shall disapprove or conditionally approve any application, which fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.

## SECTION 10 "C" COMMERCIAL DISTRICT

### A. PURPOSE

This district is a commercial category providing a uniform set of standards for retail shopping facilities and general commercial activities. It is intended that this zoning district be served by major thoroughfares and be of such size that all parking and traffic maneuvering can take place on the commercial site. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.

### B. USE REGULATIONS

In the "C" Commercial District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

#### a. PERMITTED USES

1. Single-family dwellings as provided in "SF" district.
2. Multi-family dwellings as found in "MF" district
3. Antique shops
4. Arcades, auditoriums, theaters, cinemas.

- 5 Automobile parking areas.
- 6 Automobile parts, retail sales
7. Bakeries, providing that the floor area does not exceed three thousand square feet (3,000 sq ft )
- 8 Barber and beauty shops
- 9 Bicycles and bicycle repair shops
- 10 Blueprinting or photostating
- 11 Book or stationary stores, or newsstands
12. Business colleges, trade schools, or private schools operated as a commercial enterprise.
13. Temporary seasonal outdoor sales operations such as Christmas tree sales, firewood sales, crafts, and food sales when such temporary operation exceeds seventy-two (72) hours in a twelve (12) month period. Such temporary sales operations may be a principal use on a property or an outdoor operation in conjunction with and subordinate to any existing permitted permanent indoor retail establishment. Such temporary outdoor sales operations shall require the submittal of an operations site plan for approval by the City Planner prior to setting up operations. The operations site plan shall show the proposed location of sales areas, storage areas, parking areas, traffic flow and street access, fencing and signage in relation to existing improvements to the property. Portable signs may be approved for the duration of the temporary outdoor sales operations when such sign is included in the approved operations site plan. A temporary outdoor sales operation on a single site shall not be approved for more than three (3) occurrences in a twelve-month period, the total of which shall not exceed one hundred twenty (120) days.
- 14 Cigar or tobacco stores
- 15 Cleaning, dyeing and pressing works; laundry and washateria, providing that the floor area does not exceed three thousand square feet (3,000 sq ft.) for separate or combined uses.
- 16 Commercial amusement centers and bowling alleys, indoor operations only
17. Confectionery stores
- 18 Custom dressmaking or millinery shops.
- 19 Dancing schools
- 20 Day Care Nurseries and Kindergartens
21. Department stores.

22. Dog and cat hospitals or small animal hospitals, if conducted wholly within a completely enclosed soundproof and air conditioned building, provided, that noise or odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time.
23. Health Service Facilities: Clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive health service fields such as physical, audio and speech therapy, podiatry and psychological testing and counseling; dental, medical and optical laboratories and blood banks; ambulance dispatch stations, prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment
24. Drug stores.
25. Dry goods and notions stores
26. Duplicating service, printing, lithographing, by mimeographing, multigraphing and offset printing, providing that the floor area does not exceed three thousand square feet (3,000 sq. ft.)
27. Electrical and gas appliances and supply sales, electrical and gas repair and installation services.
28. Financial institutions
29. Florist or gift shops
30. Frozen food lockers for individual or family use, not including the processing of food except cutting or wrapping
31. Garages, storage only.
32. Grocery stores and meat markets
33. Hardware, paint, wallpaper stores and other home improvement items
34. Health and physical fitness centers.
35. Hotel, motel or motor hotel subject to the following restrictions:
- a. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than fifty feet (50') from any residential district
  - b. No building shall exceed three and one-half (3 ½) stories nor shall it exceed sixty feet (60') within one hundred feet (100') of any residential zoned property
  - c. Any external lighting shall be mounted and maintained to not illuminate any adjacent residential zoned property



36. Household and office furniture, furnishings and appliances
37. Jewelry stores, optical goods
38. Golf course, including miniature course, driving tee, driving range and "Pitch and Putt" course Lighting of any such use shall be directed away from residential areas
39. Leather and leather goods shops, providing that the floor area does not exceed three thousand square feet (3,000 sq ft ) for separate or combined uses
40. Mortuaries, funeral homes and undertakers
41. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas
42. Medical Care Facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.
43. Nursery yards or buildings for retail sales provided that all incidental equipment and supplies including fertilizer and empty containers are kept within a building
44. Offices
45. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency
46. Public buildings, including libraries, museums, police and fire stations
47. Piano stores, musical instruments and supplies
48. Plumbing and heating appliances, repair and installation services All storage of materials must be indoors
49. Radio and television sales and servicing
50. Restaurants, tearooms, cafeterias, fast food and "take-out" food restaurants
51. Retail stores, businesses, pawn shops, or shops for custom work or the manufacturing of articles to be sold at retail on the premises, providing that in such manufacture the total mechanical power shall not exceed five horse power (5 HP) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.
52. Service stations, gasoline, oil, greasing, and tuning, not including fender or body repairs, major mechanical rear end, transmission, and engine overhaul Car washing as a secondary use. No bay door or overhead door shall face any residential district when located less than one hundred feet (100') from any residential district

- 53 Showroom warehouse, subject to the following restrictions: All activities and storage shall be totally within an enclosed building; a maximum of eighty percent (80%) of the gross floor area of any unit or multiple unit facility shall be used for warehouse activity; no manufacturing fabrication or assembly operation shall be conducted in any part of any unit except for articles to be sold at retail on the premises providing that in such manufacture the total mechanical power shall not exceed five horse power (5 hp) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.
- 54 Sporting goods including gun sales and repair.
55. Studios for artists
- 56 Tailor, clothing or wearing apparel shops
- 57 Variety stores
58. Public, private, and parochial elementary and secondary schools whose curricula satisfy the requirements of the State Public School Laws and the requirements of the State Board of Education
- 59 Higher Education Institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.
60. Religious Institutions, churches and facilities for related activities including those of worship, fellowship and education.
- 61 Radio, television, microwave broadcast, relay, transmission and retransmission facilities, satellite earth stations (home dish antennas) and any electronic emission equipment when operated in conformance with all Federal Communications Commission and other regulations, and provided the following additional conditions are met:
- (1) No satellite dish shall exceed two meters ( 2) in diameter, and
  - (2) No portion of any such dish or other equipment, in any position, shall exceed the specified height regulation of this zoning district, and
  - (3) No portion of any ground-mounted antenna or other equipment, in any position, shall be less than five feet (5') from any property line, utility easement, or building, and
  - (4) No such dish or other antenna may be located in any required front yard or second front yard
62. Recreational vehicle park
- 63 Accessory buildings and uses customarily incident to any of the above uses including air conditioners, ice and refrigerating plants purely incidental to the main activity

permitted on the premises. No accessory use shall be construed to permit the keeping of articles or materials in the open or outside the building

64. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C 1. below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created
65. Automobile, motorcycle, truck, and trailer sales, or rental areas No more than two vehicles may be offered for sale except by an authorized Motor Vehicle Dealer licensed or bonded by the Motor Vehicle Division of the Texas Department of Transportation. An existing business may offer up to two vehicles for sale provided that the premises contain an office that is occupied during regular business hours.
66. Boat sales, service and repair
67. Automobile laundry and steam cleaning subject to the following restrictions:
- a. All automobile, laundry and steam cleaning uses shall be completely within a building having not less than two sides
  - b. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than twenty-five feet (25') from "SF", "D", or "MF" Districts
  - c. The building surfaces shall be faced with masonry porcelainized steel, baked enamel steel or other material equal in durability and appearance.
  - d. The building shall not be less than one hundred feet (100') from "SF", "D", or "MF" Districts
  - e. The building set back shall be not less than zero feet (0') from the front property line
  - f. Any lights used to illuminate the area shall be directed away from adjacent residential properties
68. Mini-Warehouse
69. Garages, public, for repairs or storage facilities for automobiles when such facilities and activities are maintained within a building, provided no painting or body or fender repairs shall be conducted on any premises No bay door or overhead door shall face any residential district when located less than one hundred feet (100') from the residential district
70. Farm implement sales and service
71. Hotel, motel or motor hotel subject to the following restrictions:

- a No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than fifty feet (50') from any residential district
- b No building shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35') within one hundred feet (100') of any residentially zoned property
- c Any external lighting shall be mounted and maintained in a manner to not illuminate any adjacent residential zoned property.

72. Recreational vehicle storage

73. Skating rinks, ice and roller

74. Printing, lithographing, or duplicating shops

75. Golf courses, including miniature golf, and driving ranges and batting cages.

76. Delicatessen shops.

77. Photograph, portrait or camera shops and photo finishing

**b. CONDITIONAL USES**

1 Utility facilities

2. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M

3 Outdoor commercial amusement enterprise

**c. SPECIAL EXCEPTION USES**

1 Special exception uses when authorized by the Board of Adjustment under the provision of Section 19.

**C. HEIGHT AND AREA REGULATIONS**

In the "C" Commercial District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

- 1. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 ½) stories, nor shall it exceed sixty feet (60') within one hundred feet (100') of a property line of "SF" Zoned or "RE" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 ½) stories or sixty feet (60')

2. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
3. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').
4. Side Yard. There shall be a minimum side yard of not less than five feet (5'). Where a lot abuts upon the side of a residentially zoned lot, there shall be a side yard of not less than ten feet (10'). In a unified commercial development, interior side yard setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.
5. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required, this ordinance shall not prohibit its use for commercial purposes.

**D. SITE PLAN REQUIREMENTS**

1. Any owner, builder, or developer of a commercial complex shall submit to the Planning and Zoning Commission the site and building plan for the proposed development for review. The contents of this site plan shall contain drawings to scale to indicate as needed:
  - a. Location of all existing and proposed structures on the subject property and within twenty feet (20') on adjoining property;
  - b. Landscaping and/or fencing of yards and setback areas and proposed changes;
  - c. Design of ingress and egress;
  - d. Location of all driveways, interior streets, parking lots and alleys;
  - e. Off-street parking and loading facilities;
  - f. Location of water and sewer connections to city infrastructure;
  - g. Height of all structures;
  - h. Proposed uses; and
  - i. Location, types and heights of all signs and lighting.
  - j. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, addresses and phone numbers of the property owner, the applicant and the person preparing the site plan.

- k Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection.
- 2 The purpose of the site plan review is.
- a To insure compliance with the Zoning Ordinance, while allowing for design flexibility;
  - b To assist in the orderly and harmonious development of the City;
  - c To protect adjacent uses from obstructions to light, air, and visibility,
  - d To provide protection from fire;
  - e To avoid undue concentrations of population and overcrowding of land; and
  - f To facilitate the adequate provision of transportation, water, sewage, drainage, garbage and other public requirements.

3 The Planning and Zoning Commission shall, after conducting a public hearing, approve an application for a commercial development if the proposed development meets all the minimum standards established in this ordinance and other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. The Commission shall disapprove or conditionally approve any application, which fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.

D. Required Conditions For Recreational Vehicle Park.

In addition to the other regulations of this ordinance and other city ordinances, the additional following regulations govern the development, of a Recreational Vehicle Parks, as previously defined

1 Park development requirements Recreational vehicle parks shall be developed to conform to those requirements as herein delineated

- a The tract of land to be developed shall be a minimum of 1.5 acres.
- b No minimum area is established for a recreational vehicle space except that utility hookups shall be located so that a ten-foot (10') clearance shall be maintained between recreational vehicles (with slides extended) when parked.
- c Not less than eight percent (8%) of the gross land area within the park site is to be utilized for common recreational purposes and services buildings
- d All interior streets and parking shall be constructed with either asphalt, pavement or concrete and shall be of the following minimum dimension:

Street	Width In Feet
One-Way, no parking	11
One-Way, parking on one side only	18

Two-way, no parking	24
Two-way, parking on one side only	27
Two-way, parking on either side	34

e Parking facilities shall be provided at the park office as will accommodate five (5) recreational vehicles

f. Each recreational vehicle space shall afford parking and maneuvering space sufficient so that the parking, loading, and the like, of recreational vehicles shall not necessitate the use of any public right-of-way or privately owned property which may abut the park.

g. Each recreational vehicle space provided with electrical service shall be so served through an underground distribution system. The park office and service building may receive electrical service as provided through overhead facilities

h Each recreational vehicle park shall provide, at minimum, one (1) sanitary disposal site (dump station) which discharges into the city sewage system or a state approved septic system with provided written confirmation

i All site-built structures located within the recreational vehicle park shall be constructed and placed in compliance with the technical codes of the city

j All recreational vehicles shall be required to be mounted upon a permanent foundation system which shall be either a solid concrete or masonry foundation with a minimum size of nine (9') by twenty (20')

k A Screening Device shall be placed on property boundary

2 Service building, laundry and sanitation facilities. Each recreation vehicle park shall provide one (1) or more service buildings for the use of park patrons

a The service building shall provide for:

- 1) One (1) flush toilet for women;
- 2) One (1) flush toilet for men,
- 3) One (1) lavatory for each sex,

3. Service building requirements Service buildings providing the forenamed facilities shall satisfy requirements as included:

a Service building housing sanitation or laundry facilities shall be permanent structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing, and sanitation systems;

b Service buildings shall afford appropriate illumination, shall be well ventilated with screened openings, shall be constructed of moisture-proof materials, to include painted woodwork, as shall permit frequent clearing and washing Floors shall be constructed of concrete or other equally impervious material, easily cleanable, and provided with floor drains which are connected to the sanitary system;

c The toilet and other sanitation facilities for males and females either shall be in separate buildings or shall be separated, if in the same building, by a soundproof wall;

d All service buildings and park grounds shall be maintained in a clean sightly condition and kept free of any condition that will make menace the health of any occupant or the public or constitute a nuisance, and

e. Service buildings housing sanitation facilities shall be located not closer than fifteen feet (15') nor farther than two-hundred feet (200') from any recreational vehicle space within

the park;

- E. In the Recreational Vehicle Parks , the following requirements shall apply for each RV space:
- 1 Floor space: Recreational vehicles must have a minimum of two hundred (200) square feet of living area
  2. Each residential recreational vehicle must be placed as indicated by a site plan approved by the Administrative Official.
  - 3 Front yard: There shall be a front yard setback for each space of fifteen (15') feet
  - 4 Rear yard: There shall be a rear yard setback for each space of ten (10') feet
  5. Side yard: Corner lots having a side yard setback of ten (10') feet on side yards adjacent to interior lots. Interior lots shall have a side yard set back of ten (10') feet
  - 5 Each RV space shall include a paved vehicle parking space which may be located within the side or front yard setback.
- F. DISTRICT RESTRICTIONS
1. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
  - 2 Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by a fence, planting or other suitable visual barrier.

## SECTION 11 "CBD" COMMERCIAL DISTRICT

### A. PURPOSE

This is a special commercial zoning district reserved for downtown areas that provide the greatest number and mix of retail and commercial uses. This district is reserved for areas of adequate size and location so that its broad range of high intensity land uses will not cause or create nuisances to adjoining zoning districts. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.

### B. USE REGULATIONS

In the "CBD" Commercial District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

#### a. PERMITTED USES

- 1 Any use permitted in the "C" Commercial District
- 2 Second story residences will be allowed in existing two story buildings provided that the entrance to the residence and parking for the residence be at the rear or side of the building.

#### b. CONDITIONAL USES

- 1 Utility facilities



2. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M
3. Outdoor commercial amusement enterprise

c. **SPECIAL EXCEPTION USES**

1. Special exception uses when authorized by the Board of Adjustment under the provision of Section 19

C. **HEIGHT AND AREA REGULATIONS**

In the "CBD" Commercial District, the height of the buildings, the minimum dimensions of lots and yards, the minimum floor space of buildings shall be as follows:

1. Floor Space: No limit on floor space for shops, stores, or businesses except as specified herein
2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 ½) stories, nor shall it exceed sixty feet (60') within one hundred feet (100') of a property line of "SF" Zoned, "D" Zoned, or "MF" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 ½) stories or sixty feet (60').
3. Front Yard: There shall be a front yard of not less than zero feet (0'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way
4. Rear Yard: There shall be a rear yard of not less than ten feet (10') except where the "CBD" Commercial District abuts a residential district there shall be a rear yard of not less than twenty feet (20').
5. Side Yard: There shall be a minimum side yard of zero feet (0'). Where a lot abuts upon the side of a residentially zoned lot, there shall be a side yard of not less than ten feet (10')
6. Width of Lot: The width of a lot shall be a minimum of twenty feet (20') at the building line. Provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width as herein required, this ordinance shall not prohibit its use for commercial purposes.

D. **DISTRICT RESTRICTIONS**

1. Landscaping and bufferyards shall be provided as determined by the Planning and Zoning Commission.

2. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
3. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by a fence, planting or other suitable visual barrier.

## SECTION 12 "I" INDUSTRIAL DISTRICT

### A. PURPOSE

The purpose of this district is to regulate those uses of the land that involve the manufacturing, assembly, processing, storage and/or distribution, sale and repair of materials, goods, parts, products, equipment, machinery, and other such operations incidental to industrial uses. It is not the intent of these regulations to allow the construction or development of residential uses within this district and those residential uses existing at the time of the adoption of this zoning ordinance and its zoning district map may continue but shall be classified as non-conforming uses. All proposed industrial uses shall be accompanied by a development site plan. Since the intended use may cause a detrimental change to the environment or substantially affect the municipally operated utility or thoroughfare systems, detailed descriptions of performance standards are included in these district regulations and are determined to be the maximum allowable within any single or combined industrial use or district.

### B. USE REGULATIONS

In the "I" Industrial District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

#### a. PERMITTED USES

1. Any industrial and/or commercial use meeting the included development site plan requirements and performance standards.
2. Sexually oriented businesses meeting the location requirements specified in Section 16, paragraph L.
3. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph D 1. below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.
4. Public buildings, including libraries, museums, police and fire stations.
5. Water supply reservoirs, plumbing plants, towers.

6 Accessory structures and uses customarily incident to the above uses and located on the same lot therewith.

7 Churches

**b. CONDITIONAL USES**

1. Utility facilities

2 Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M

3 Outdoor commercial amusement enterprise.

4 Sanitary landfill.

**c. SPECIAL EXCEPTION USES**

1. Special exception uses when authorized by the Board of Adjustment under the provision of Section 19.

**C. DEVELOPMENT SITE PLAN**

A development site plan shall be required for each building permit application, shall be submitted to the Administrative Official for approval and shall contain the following information:

- 1 A scale drawing showing the boundary of the tract and topography with a contour interval of not less than two foot (2') intervals, and drainage information
2. The location of each building and the minimum distance between buildings and between buildings and the property lines, street line and/or alley line shall be submitted. The plan shall include all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property.
- 3 A plan indicating the arrangement and provision of off-street parking, off-street loading, outside storage areas, method and location of storage area screening and points of entry from adjoining thoroughfares
- 4 A table showing net land area, ratio of building area and outside storage areas to net land area
- 5 A table of performance standards of the characteristics of the Industrial activities to be conducted on the site, if required by the Administrative Official.
- 6 Scale, north arrow, and names and addresses of owners and/or developers with name(s) and address(es) of those responsible for preparation of the development plan.

- 7 For development projects influenced by or containing major drainage ways or containing areas flood prone by definition of the City Engineer, preliminary drainage plan shall become a part of the development site plan. This requirement may be waived only by the recommendation of the City Engineer.
8. Existing and proposed fire hydrants, sign information, and provisions for external illumination and trash collection.

The Administrative Official shall review the development site plan for conformance with applicable ordinances, regulations and codes. The Administrative Official, in consultation with other City Officials, shall also review and evaluate the site plans for fire and safety concerns, traffic circulation, drainage, environmental constraints and impacts, landscaping, amenities and adequacy of buffers. If the proposed site plan conforms to applicable requirements and, in the opinion of the Administrative Official, provides adequate design features to reasonably mitigate adverse effects, the Administrative Official shall approve the site plan. An applicant may appeal a denial of site plan approval to the Planning and Zoning Commission for reconsideration at its next available agenda. The Commission prior to the meeting shall notify adjacent landowners potentially affected by the appeal in writing of the consideration.

#### **D. HEIGHT AND AREA REGULATIONS**

In the "I" Industrial District, the height of the buildings and the minimum dimension of yards shall be as follows:

- 1 Height: Buildings shall not be limited by height. All buildings more than sixty feet (60') in height shall be equipped with automatic sprinkler system as provided by the city's building code.
2. Front Yard: There shall be a front yard of not less than thirty feet (30'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
- 3 Side Yard: There shall be a side yard of not less than ten feet (10'), unless additional emergency access is required by the Fire Marshal.
4. Rear Yard: There shall be a rear yard of not less than twenty feet (20'), unless additional emergency access is required by the Fire Marshal.

#### **E. PERFORMANCE STANDARDS**

The following are maximum accepted levels of noise, vibration, and smoke, particulate matter and toxic and noxious matter allowable for industrial uses. If the proposed use results in the discharge of sanitary sewage effluent containing industrial wastes or other effluent into the City of Kenedy's sanitary sewage system, a characterization of the effluent and a description of proposed methods of pretreatment (if any) must accompany the development site plan. No industrial facility may release waste into the City of Kenedy's sanitary sewage system unless the waste is approved by the City Engineer. The performance standards report may be waived by the Administrative Official if the proposed use is considered not to produce the listed effects. Maximum levels of noise, vibration,

smoke, particulate matter and visible emissions must be within state and federal standards as documented by permits for any such emissions. All operating permits from regulatory agencies must be filed with the City Office and they shall be updated within 30 days of receipt of renewal or amendment.

**Noise:** The day-night average sound level at the property line shall not exceed eighty (80) decibels

**Smoke, Particulate Matter and Visible Emissions:** Smoke or visible emissions emitted from any vent, stack, chimney, skylight, or window shall not exceed an opacity of twenty percent (20%) averaged over a five (5) minute period not including water vapor. Any emission of air pollutant must be in accordance with the requirements of the State of Texas and Federal Government as detailed in The National Ambient Air Quality Standard (NAAQS)

**Toxic and Noxious Matter:** The handling, processing, storage and disposal of hazardous, toxic, or noxious materials within this District shall be in accordance with applicable State and Federal laws and regulations. All liquid hazardous materials stored in quantities that could cause harm to the environment shall be stored in such a manner as to prevent accidental runoff into public waterways or sewage treatment plants. All outdoor containment must be sized to hold the largest storage container plus ten percent (10%) freeboard. In addition, the Planning and Zoning Commission may establish additional performance standards, including setbacks, berms, and buffers, for the siting of facilities which handle, treat, store, or dispose of potentially hazardous or dangerous materials. Hazardous liquid materials must be stored in a contained area.

**Additional Standards:** The Planning and Zoning Commission may establish additional performance standards to protect neighboring areas and land uses from potential industrial hazards and nuisances.

### SECTION 13 "MH -1" MANUFACTURED HOME DISTRICT - 1

#### A. PURPOSE

This zoning classification is established to provide adequate space and restrictions for the placement of manufactured homes in the City of Kenedy, where adequate streets and other community facilities are available for present and future needs. The "MH - 1" District is established to provide housing densities compatible with existing and proposed neighborhoods and to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to preserve the value of the land and buildings; and to protect the City's tax base.

#### B. USE REGULATIONS

Individual lots platted prior to the date of this ordinance and zoned "MH - 1" may be used and occupied by mobile homes and manufactured homes; provided that no mobile home shall be hereafter placed or installed on any lot, tract or parcel of land within the city. In the "MH - 1" Manufactured Home District, no building or land shall be used and no buildings shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

##### a. PERMITTED USES

1. Manufactured Homes with one (1) single-family manufactured home per lot
2. Single family dwellings as provided in "SF" districts

3 Multi-family dwelling as provided in "MF" districts

3 Hobbies or crafts, as an accessory use

4 Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the Administrative Official. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar periods

5 Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C 3 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that traffic restriction is not created

6 Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.

7. Public buildings, including libraries, museums, police and fire stations

8 Single-family dwellings

9 Schools, public, elementary or high school

10. Schools, private, with curriculum equivalent to that of a public elementary or high school

11. Water supply reservoirs, plumbing plants, towers.

12. Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise

b. CONDITIONAL USES

1 Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

2 Uses customarily incident to any of the above uses when situated in the same dwelling and not involving the conduct of a business or industry, except home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery

3. Real estate sales office for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel within the subdivision. Field offices for the sale or rental of real estate shall be removed upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located

- 4 Any typically permitted secondary or accessory uses allowed in the district in the absence of the principal use if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Administrative Official determines that replatting the principal and secondary lots into a single lot is not possible or desirable.
5. Utility facilities.
- 6 Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M.
- 7 Churches

c. SPECIAL EXCEPTION USES

1. Special exception uses authorized by the Board of Adjustment under the provision of Section 19

C. HEIGHT AND AREA REGULATIONS

In the "MH - 1" Manufactured Home District - 1, the following requirements shall apply:

1. Floor Space: Manufactured homes must have a minimum of six hundred (600) square feet of living area, exclusive of garage, porches and breezeways, and incidental storage areas. No horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
- 2 Only one residential structure may be placed upon an approved lot
- 3 Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 ½) stories nor shall it exceed sixty feet (60')
4. Front Yard: There shall be a front yard of not less than twenty-five (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way
- 5 Rear Yard: There shall be a rear yard having a depth of not less than twenty-five feet (25')
- 6 Side Yard: Corner lots having a minimum side yard of ten feet (10') on side yards adjacent to interior lots. Interior lots shall have minimum side yard dimensions of ten feet (10').

- 7 Width of Lot: The width of a lot shall be a minimum of sixty feet (60') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required, this ordinance shall not prohibit the erection of a one-family dwelling
- 8 Lot Area: The minimum area of a lot shall be seven thousand square feet (7,000 sq. ft.), providing that where a lot has less than herein required and was of record and in separate ownership at the time of passage of this ordinance, this ordinance shall not prohibit the erection of a one-family dwelling
- 9 Maximum Lot Coverage. The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent.

**D. REQUIRED CONDITIONS**

- 1 Manufactured Homes shall be installed in accordance with the following criteria
  - a Anchorage and foundation of the manufactured home shall be by a person licensed by the State of Texas in compliance with state law as outlined in the latest edition of *Manufactured Housing Rules. Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas administrative Code, Chapter 80.*
  - b. Each manufactured home shall be totally skirted within thirty (30) days with metal, masonry, pressure-treated wood, or other nondegradable fire-retardant material, which is compatible with the design, and exterior materials of the primary structure
  - c Exterior siding material, excluding skirting, shall be nonmetallic.
  - d. The structure shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture, or other such applicable standards as required by state or federal law
  - e The manufactured home shall be in sound and safe structural condition. Any structure that shows signs of fire damage will not be acceptable. The Building Official and/or Fire Marshall make the determination of the foregoing
  - f. Electrical power shall be from a meter installation on the mobile home, or from a permanent meter pedestal.
  - g. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings
  - h Garage and carport additions are permitted provided they meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.
  - i. Patio and porch covers are permitted provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements
  - j. Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure



- k. All accessory structures and additions shall comply with all applicable city ordinances
- l. An adequate supply of potable water shall be supplied to each manufactured home through piping conforming with the City's plumbing code as may be amended, and an outdoor hydrant shall be installed at each manufactured home, at least four inches (4") above the ground.
- m. Each manufactured home shall be provided with a sewer riser pipe of minimum of four inches (4") diameter
- n. Gas piping systems shall be installed underground in accordance with the applicable codes and regulations as may be amended. Natural gas shall be used except that a liquefied petroleum gas system may be installed if the available natural gas supply is not available to the lot

#### SECTION 14 "MH -2" MANUFACTURED HOME DISTRICT - 2

##### A. PURPOSE

This zoning classification is established to provide adequate space and restrictions for the placement of manufactured homes in the City of Kenedy, where adequate streets and other community facilities are available for present and future needs. The "MH - 2" District is established to provide to allow medium Manufactured housing use of the land and is intended to comprise larger tracts of land designed to provide total residential amenities of open space, recreation space and areas of protected off-street parking. This district is intended to be located near high volume thoroughfares due to the traffic generating probability of medium density dwelling units within this district. This district is designed to be compatible with existing and proposed neighborhoods and to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to preserve the value of the land and buildings, and to protect the City's tax base

##### B. USE REGULATIONS

Individual lots platted prior to the date of this ordinance and zoned "MH - 2" may be used and occupied by mobile homes and manufactured homes, provided that no mobile home shall be hereafter placed or installed on any lot, tract or parcel of land within the city. In the "MH - 2" Manufactured Home District, no building or land shall be used and no buildings shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses.

###### a. PERMITTED USES

- 1. Multiple Manufactured Homes placed in accordance with an approved site plan.
- 2. Single family dwelling as provided in "SF" district .
- 3. Multi-family dwelling as provided in "MF" district
- 4. Hobbies or crafts, as an accessory use
- 5. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon

request of the Administrative Official. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar periods.

6. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C.3 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1m) in diameter. Except satellite and dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.
7. Parks, playgrounds, community buildings, and other public recreational facilities, owned and/or operated by the municipality or other public agency.
8. Public buildings, including libraries, museums, police and fire stations.
9. Single-family dwellings.
10. Schools, public, elementary or high school.
11. Schools, private, with curriculum equivalent to that of a public elementary or high school.
12. Water supply reservoirs, plumbing plants, towers.
13. Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.

b. **CONDITIONAL USES**

1. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
2. Uses customarily incident to any of the above uses when situated in the same dwelling and not involving the conduct of a business or industry, except home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.
3. Real estate sales office for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel within the subdivision. Field offices for the sale or rental of real estate shall be removed upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located.

- 4 Any typically permitted secondary or accessory uses allowed in the district in the absence of the principal use if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Administrative Official determines that replatting the principal and secondary lots into a single lot is not possible or desirable
- 5 Utility facilities
- 6 Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 16 M
- 7 Churches

**c. SPECIAL EXCEPTION USES**

- 1 Special exception uses authorized by the Board of Adjustment under the provision of Section 19

**C. HEIGHT AND AREA REGULATIONS**

In the "MH - 2" Manufactured Home District - 2, the following requirements shall apply:

- 1 Floor Space: Manufactured homes must have a minimum of twelve hundred (1200) square feet of living area, exclusive of garage, porches and breezeways, and incidental storage areas. No horizontal dimension shall be less than 24 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
- 2 Each residential structure must be placed as indicated by a site plan approved by the Planning and Zoning Commission.
- 3 Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed three and one-half (3 ½) stories nor shall it exceed sixty feet (60')
- 4 Front Yard: There shall be a front yard for the entire approved site of not less than twenty-five (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Karnes County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Administrative Official. If a building line shown on a City-approved subdivision plat as filed in the Karnes County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
- 5 Rear Yard: The entire site shall be a rear yard having a depth of not less than twenty-five feet (25')
- 6 Side Yard: Corner lots having a minimum side yard of ten feet (10') on side yards adjacent to interior lots. Interior lots shall have minimum side yard dimensions of ten feet (10')

- 7 There shall be a minimum separation of twenty feet (20') in each direction between any two (2) manufactured houses within the site
- 8 Width of Lot: The width of a lot shall be a minimum of sixty feet (60') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required, this ordinance shall not prohibit the erection of a one-family dwelling
- 9 Lot Area: The minimum area of a lot shall be seven thousand square feet (7,000 sq. ft.), providing that where a lot has less than herein required and was of record and in separate ownership at the time of passage of this ordinance, this ordinance shall not prohibit the erection of a one-family dwelling
10. Maximum Lot Coverage. The maximum portion of the lot area, which may be covered by the main building and all accessory buildings, shall not exceed 40 percent

**D. REQUIRED CONDITIONS**

- 1 Manufactured Homes shall be installed in accordance with the following criteria
  - a. Anchorage and foundation of the manufactured home shall be by a person licensed by the State of Texas in compliance with state law as outlined in the latest edition of *Manufactured Housing Rules: Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas Administrative Code, Chapter 80.*
  - b. Each manufactured home shall be totally skirted within thirty (30) days with metal, masonry, pressure-treated wood, or other nondegradable fire-retardant material, which is compatible with the design, and exterior materials of the primary structure.
  - c. Exterior siding material, excluding skirting, shall be nonmetallic
  - d. The structure shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture, or other such applicable standards as required by state or federal law.
  - e. The manufactured home shall be in sound and safe structural condition. Any structure that shows signs of fire damage will not be acceptable. The Building Official and/or Fire Marshall make the determination of the foregoing.
  - f. Electrical power shall be from a meter installation on the mobile home, or from a permanent meter pedestal
  - g. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.
  - h. Garage and carport additions are permitted provided they meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.
  - i. Patio and porch covers are permitted provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements

- j Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure
- k All accessory structures and additions shall comply with all applicable city ordinances
- l An adequate supply of potable water shall be supplied to each manufactured home through piping conforming with the City's plumbing code as may be amended, and an outdoor hydrant shall be installed at each mobile home space, at least four inches (4") above the ground
- m. Each manufactured home shall be provided with a sewer riser pipe of minimum of four inches (4") diameter.
- n. Gas piping systems shall be installed underground in accordance with the applicable codes and regulations as may be amended. Natural gas shall be used except that a liquefied petroleum gas system may be installed if the natural gas supply is not available to the lot

#### **E. APPLICATION AND PROCESS PROCEDURES**

**Application:** An application for a MH-2 Development may be made to the Planning and Zoning Commission. Application for approval of a MH-2 Development shall be processed according to the procedure specified herein and a development site plan and related data shall be submitted for approval in accordance with the requirements outlined below

- 1 An application for a MH-2 Development shall be accompanied by a site plan meeting the requirements set forth in this ordinance
- 2. Upon receipt of an application, the Administrative Official shall prepare a written report analyzing the site plan and such report shall be given to the Planning and Zoning Commission and applicant at least three (3) working days prior to their next, regularly scheduled meeting

#### **F. REQUIRED DEVELOPMENT SITE PLAN**

- 1 An application for a MH-2 Development shall be accompanied by a site plan, which shall provide as much detail as possible including, but not necessarily limited to
  - a the location of each building,
  - b the distances between buildings, and between buildings and the property line, street line and/or alley line
  - c the arrangement and provisions of off-street parking
  - d any areas reserved as parks, parkways, playgrounds, utility and garbage easements;
  - e All pedestrian walks, malls, and open area for use by tenants with the types of surfacing such as paving, or turfing to be used at all locations on the site.
  - f the points of ingress and egress from existing public streets

- 2 on an accurate survey of the boundary of the tract and existing and proposed finished grades with contour intervals of not less than two feet (2'), or spot grades where the relief is limited.
- 3 A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- 4 The development site plan shall show north arrows, true scale, name(s) and address(es) of owner, licensed engineer or architect preparing site plan and a land description by reference to name of subdivision and survey tract in which it is located.
5. A screening and landscaping plan shall be required, where such treatment is essential to the proper arrangement of the development in relation to adjacent property. When required, such plan shall include screening walls, planting, wooded areas to be retained, and lawns if such are determined to be necessary by the Planning and Zoning Commission
- 6 The location of fire hydrants
- 7 Any or all of the required features may be incorporated on a single drawing if such drawing is clear and may be evaluated by the Administrative Official

## **SECTION 15 CONDITIONAL USES**

### **A. PURPOSE**

The purpose of the Conditional Use procedure is to allow for review of uses which would not be appropriate generally or without certain restriction throughout a zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.

### **B. SUBMISSION REQUIREMENTS AND PROCEDURE**

An application for a Conditional Use Permit shall be submitted to the Administrative Official, along with any applicable fee required by Section 30, in accordance with rules established by the Planning and Zoning Commission prior to the established application-filing deadline for the next regular meeting of the Planning and Zoning Commission. The application shall include the same information required in Section 16 for a development site plan. The Administrative Official shall schedule a public hearing at the next regular meeting of the Planning and Zoning Commission and shall provide notice to property owners of real property lying within two hundred feet (200') of the property on which a conditional use is sought. Such notice shall be mailed to property owners no less than ten (10) days before the date set for the public hearing. Notice of the public meeting shall be posted at least seventy-two (72) hours prior to the public hearing in accordance with State law.

The Administrative Official shall review the application and submit a report to the Planning and Zoning Commission. This report shall be made available to the applicant prior to the public hearing.

The Planning and Zoning Commission shall review the application against the Review and Evaluation Criteria and recommend approval, conditional approval, or denial of the Conditional Use Application by the City Council.

### **C. REVIEW AND EVALUATION CRITERIA**

The Conditional Uses application shall be reviewed and evaluated using the following criteria:

- 1 Conformance with applicable regulations and standards established by this Zoning Ordinance
- 2 Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation features.
- 3 Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use
- 4 Location, lighting, and type of signs, and relation of signs to traffic control and adverse effect on adjacent properties.
- 5 Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses anticipated in the area considering existing zoning and land uses.

**D. LAPSE OF APPROVAL AND MODIFICATIONS**

A Conditional Use Permit shall be valid for one (1) year from the date of approval unless prior to such expiration date a building permit is issued and construction occurs or the actual use, if not requiring a building permit, is commenced. The expiration date may be extended by the City Council upon application. The notification procedures specified in B SUBMISSION REQUIREMENTS AND PROCEDURE shall be followed for consideration of any requested continuance.

Approval of a Conditional Use Permit automatically expires upon change in ownership of the land, unless the Commission or City Council determines as part of its specific approval of a Conditional Use Permit, that transfer of the authorization to a subsequent owner is in the best interest of the City. The Planning and Zoning Commission may grant continuance of the conditional use upon application to the Commission. The notification procedure specified in B SUBMISSION REQUIREMENTS AND PROCEDURE shall be followed for consideration of any requested extension.

Minor modifications of a Conditional Use Permit may be made if the Administrative Official determines that such modifications will not change the intent and effect of the approval by the Planning and Zoning Commission.

**SECTION 16  
SUPPLEMENTARY DISTRICT REGULATIONS**

- A No building shall hereafter be erected, reconstructed, altered or enlarged, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located
- B No building shall hereafter be erected, reconstructed, altered or enlarged to exceed the height or bulk limit herein established for the district in which such building is located, nor shall any building be erected, reconstructed or altered as to provide a floor space smaller than the minimum prescribed by this ordinance.
- C No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established

- D Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one building on one lot, except as herein provided.
- E **Visibility at Intersections:** On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet (2 ½') and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty-five feet (35') from the point of intersection
- F. **Accessory Building:** No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet (5') of any other building
- G. **Erection of More than One Principal Structure on a Lot:** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot
- H. **Exceptions to Height Regulations:** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, receiving antennas (excluding dish antennas), water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy
- I. **Structure to have Access:** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking
- J Any residentially-zoned lot having less area and/or width than herein required and which was platted of record and in separate ownership at the time of the passage of this ordinance may be occupied by not more than a one-family structure. Nothing in this ordinance shall prevent the residential use of any lot platted of record prior to the effective date of this ordinance provided that all front yard, side yard, rear yard, floor area, parking and all provisions other than lot area and/or lot width are met or exceeded
- K In districts "C", "CBD", and "I", not intended for residential use and where residential use is not a permitted use, living quarters may be provided for resident managers, resident security and maintenance personnel and the like provided that:
- 1 The living quarters are clearly subordinate to the permitted use in "C", "CBD", or "I" districts.
  2. The living quarters are only occupied by a manager, security, maintenance or other individual employed with full time duties on the site on which the living quarters are located. This is not intended to preclude the additional occupancy of the living quarters by family members of the full time individual employed on the site
  - 3 The living quarters are incorporated into the design of the permitted use in such a manner that the living quarters are not perceptible as such.
  - 4 Two (2) off-street parking spaces are provided per living quarter in addition to the required parking for the permitted use
  5. Not more than one (1) such living quarter shall be authorized per platted lot without prior specific approval of the Planning and Zoning Commission as a conditional use following procedures established in Section 17



**L Location of Sexually Oriented Businesses:**

- 1 No person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of.
  - a a church,
  - b a public or private elementary or secondary school;
  - c any district zoned "SF" One Family, "RE" Residential Estate, "MF" Multiple Family, or "MH" Manufactured Home; or inhabited residence, or
  - d a public park

For the purposes of this provision, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or to the nearest boundary of a public park or residentially-zoned district.

2. No person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of another sexually oriented business. For the purpose of this provision, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located
- 3 No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business
4. A sexually oriented business lawfully operating as a conforming use after the effective date of this ordinance is not rendered a non-conforming use by the location, subsequent to the operation of the sexually oriented business, of a church, public or private elementary or secondary school, public park or residentially zoned district within one thousand feet (1,000') of the sexually oriented business.

**M Standards for Telecommunications Towers and Antennae**

The City of Kenedy has a goal of minimizing the number of new telecommunications towers and antennae, while balancing the needs of telecommunication providers to establish a reasonable network to provide quality service.

1. Before a conditional use permit is granted for a new telecommunications tower, the applicant must demonstrate a good faith effort to locate on an existing tower or other structure. Such effort shall be demonstrated by providing evidence that all potential existing structures were contacted and were determined unavailable, or engineering data showing that there were no acceptable existing structures that met the grid requirements
- 2 Any new telecommunications tower shall be designed to accommodate at least one additional antenna.

- 3 Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the City may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

#### N Regulations for Recreational Vehicles

The following regulations shall apply to the occupancy, storage, and parking of Recreational Vehicles

- 1 No person shall occupy as a residence any Recreational Vehicle on any lot which is not part of a Recreational Vehicle Park.
- 2 One unoccupied Recreational Vehicle is permitted to be parked or stored on a lot zoned "A", "RE", "SF", "MF", "CBD", "MH-1" and "MH-2" provided it is parked or stored behind the applicable set back requirements
- 3 Recreational Vehicles may be parked or stored on any lot zoned "C" and "I" provided it is parked or stored behind the applicable set back requirements
- 4 One Recreational Vehicle per lot shall be allowed to conduct business activities on a lot zoned "C" and "I" provided no business activity shall be conducted between 9 p.m. and 8 p.m. and is located behind the applicable set backs.
- 5 No person may park a Recreational Vehicle on a city street for longer than 48 hours.

### SECTION 17 PARKING AND VEHICULAR CIRCULATION REGULATIONS

#### A. PARKING REQUIREMENTS BY USE

In all zoning districts, off-street vehicle parking spaces shall be provided in accordance with the following requirements. In any case where specific requirements result in a fraction of a parking space the next larger whole number of spaces shall be required. In any case where specific requirements include the number of persons employed on the premises, the number persons employed in two (2) shifts shall be used for calculating parking requirements when a use customarily exceeds nine (9) hours of operation in a twenty-four (24) hour period. Parking spaces shall be required as follows:

- |    |   |   |
|----|---|---|
| 1. | One Family Dwelling   | One (1) space for each 1,500 square feet of livable floor area or fraction thereof up to four (4) spaces. Minimum of two (2) spaces required.   |
| 2. | Two to Four Family Dwelling   | Two (2) spaces for each family dwelling unit.   |
| 3. | Multiple Family Dwelling(s)<br>(five units or more)                       | One and three quarters (1 75) spaces for each family unit   |
| 4. | Bed & Breakfast, Boarding,<br>Lodging House, Dormitory,<br>Residence Hall | One (1) space for proprietor plus one (1) space for each sleeping unit or fraction thereof  |
| 5. | Hotel, Motor Hotel  | 1 25 spaces for each bedroom unit plus one (1) space per 200 sq. ft. of display room, meeting room, or ballroom area or fraction thereof. Restaurant parking requirements - see below |
| 6. | Day Nursery, Kindergarten   | One (1) space per employee plus one (1) space per ten   |

		(10) children or fraction thereof based on occupant load
7	Church	One (1) space for each four (4) seats in the auditorium or fraction thereof
8	Auditorium, Theater	One (1) space for each four (4) seats or fraction thereof, plus one (1) space for each two hundred square feet (200 sq. ft.) or fraction thereof of lobby and concession area
9	Restaurant, Cafeteria	One (1) space for each one hundred square feet (100 sq. ft.) of gross floor area or fraction thereof.
10	General Hospital	One (1) space for each 1.5 beds
11.	Nursing and Care Home	One (1) space for each two (2) beds, based on licensed capacity
12.	Office, Bank & Professional Bldg	One (1) space for each 400 sq. ft. of gross floor area or fraction thereof
13.	Medical & Dental Office or Clinic	One (1) space for each 200 sq. ft. of gross floor area or fraction thereof
14	Commercial Building	One (1) space for each 200 sq. ft. of gross floor area or fraction thereof. Minimum of two (2) spaces required.
15.	Mini Warehouse	One (1) space for each twenty (20) storage units or fraction thereof. Minimum of three (3) spaces required
16	Industrial Building- Manufacturing	One (1) space per employee for a maximum possible employment of two (2) shifts combined or one (1) space per five hundred square feet (500 sq. ft.) or fraction thereof of manufacturing space whichever is greater. Other areas of building by use.
17	Industrial Building- Warehouse	One (1) space for each one thousand square feet (1,000 sq. ft.) or fraction thereof of warehouse area, provided that the spaces for any warehouse shall not be less than four (4) Other areas of building by use
18.	Elementary, Middle School, Public Parochial and Private	One (1) space for each faculty member and one (1) space for and each person employed on the premises. In addition, in cases where buses for the transportation of children are kept at the school, one (1) off-street bus parking space shall be provided for each bus. Parking shall also be provided for auditorium and assembly areas to a ratio of one (1) parking space per four (4) seats, whichever is a greater number of spaces
19.	Senior High School Public, Parochial and Private	One (1) space for each faculty member and one (1) space for each person employed on the premises, plus one (1) additional space for each four (4) students enrolled. In addition if buses for the transportation of children are kept at the school one (1) off-street bus parking space shall be

		provided for each bus
20	Colleges and University	One (1) space for each faculty member plus one (1) space for each employee on the premises, plus one (1) space for each four (4) day students not residing on campus.
21	Outdoor Manufacturing	One (1) space for each 7,500 sq. ft. of work area or fraction thereof not counting parking, buildings or required parking for buildings. Minimum of three (3) spaces
22	Outdoor Recreation Activities	One (1) space shall be provided to meet the greatest average peak hour trips per land area presented for the most appropriate land use in the latest edition of <u>Trip Generation</u> published by the Institute of Transportation Engineering, with a minimum of four (4) spaces. Any building by use
23	Outdoor Sales	One (1) space per two thousand five hundred square feet (2,500 sq. ft.) or fraction thereof of land area net of any building, with a minimum of eight (8) spaces. Any buildings by use. All parking spaces to be in addition to sales inventory area
24	Showroom Warehouse	Minimum of one (1) space per five hundred square feet (500 sq. ft.) of gross floor area or fraction thereof. A minimum of three (3) parking spaces shall be provided per unit in multiple unit developments.
25	Car Wash	Minimum of one (1) space for each washing stall, in addition to the washing stall.
26	Bowling Alley	Minimum of five (5) spaces for each bowling lane, plus any restaurant, office, pro shop, etc. by use
27	Commercial Amusement Centers, Games Arcade	One (1) space for each one hundred square feet (100 sq. ft.) or fraction thereof of gross floor area. Minimum Recreation Parlors of four (4) spaces.
28	Mobile Home	One (1) space for each 1,500 square feet of livable floor area or fraction thereof up to four (4) spaces. Minimum of two (2) spaces required.
29	Utility Facility	Parking for approved Conditional Use utility facilities, the purpose of which does not include or require vehicular access by the public, shall be adequate for a specific facility, but in no case be less than two (2) spaces. Parking maneuvering and drive space for such facilities, under the above circumstances, may be other than hard surface and dust free
30	Riding Arena, Commercial Riding Stable, Commercial Barn or Stable	All parking requirements for such facilities shall be determined by the Planning and Zoning Commission in conjunction with and as a condition of each Conditional Use approval

31	Helistop	All parking requirements for such facilities shall be determined by the Board of Adjustment in conjunction with and as a condition of each Special Exception approval by the Board
32	Funeral Home	One (1) space per four (4) seats in chapel or fraction thereof, plus sufficient parking for funeral vehicles
33	Museum	One (1) space per four hundred square feet (400 sq. ft.) of gross floor area or fraction thereof.
34	Service Station	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof, minimum of four (4) spaces not counting area at pump island or in service bays
35	Repair Garage	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof, minimum of five (5) spaces not counting space in building
36	Library	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof
37	Barber/Beauty Shop	One (1) space per one hundred square feet (100 sq. ft.) of gross floor area or fraction thereof
38	Laundry-Self Service	One (1) space per fifty square feet (50 sq. ft.) of gross floor area or fraction thereof
39	Community Center	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof.
40	Lodge/Fraternity Hall	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof
41	Trade/Business School	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof

#### B. OFF STREET LOADING REQUIREMENTS

All retail or wholesale sales, distribution, manufacturing and warehouse uses shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public street in addition to other parking requirements. Such space shall consist of a minimum area of ten feet by twenty-five feet (10' x 25') and be provided as follows.

<u>Gross Floor Space (Sq. Ft.)</u>	<u>Loading or Unloading Berths</u>
25,000 feet or less	1
25,001 to 84,000	2
84,001 to 156,000	3
156,001 to 236,000	4
Each 100,000 additional	1 additional

In cases of unusual design considerations, exemptions or modifications to the OFF STREET LOADING REQUIREMENTS will be permitted only by approval of the Planning and Zoning Commission

**C. STACK SPACE REQUIREMENTS**

All business uses containing an automobile drive-in type ordering or service facility, whether manned or unmanned, shall provide automobile stack space in conjunction with the drive-in facility. Stack spaces shall be nine feet wide by eighteen feet long (9' wide x 18' long) and shall be located in a sequential arrangement oriented to the drive-in ordering or service area. The space occupied by an automobile placing an order or being served shall not be considered as a stack space. Required stack space(s) shall not be on any street right-of-way or alley, any necessary maneuvering area for parking spaces, within the general traffic circulation pattern of a parking lot, or a designated fire lane. Stack spaces may be situated in a straight alignment or in a curved pattern with functional radii. All stack space requirements shall be in addition to all parking space and loading requirements specified in Section 19-A and Section 19-B, above. Such stack spaces shall be provided as follows:

- |    |  |  |
|----|--|--|
| 1  | Bank, Savings & Loan or other Financial Transaction Facility   | Three (3) spaces   |
| 2. | Food Service Facility  | Three (3) spaces from ordering location if separate from pick-up area. |
| 3. | Car Wash, Self Service or Automatic  | Three (3) spaces   |
| 4  | Film/Film Processing Sales, Laundry and/or Cleaning Facility, and Similar Sales or Retail Facilities | One (1) space  |

**D. GENERAL REQUIREMENTS**

1. Parking requirements in all "SF", "RE", "MF", "MH", and "C" Districts shall be provided behind the required front yard and second front yard setback
2. For the purpose of this section, an off-street parking space shall be a minimum of nine feet in width and eighteen feet in length (9' x 18'), plus off-street maneuvering space.
3. For a single row of ninety (90) degree head-in parking, the minimum width for a parking space plus aisle shall be thirty-eight feet (38'). For two rows of ninety (90) degree head-in parking using the same aisle, the minimum width for parking spaces plus aisle shall be fifty-six feet (56'). (See Figure 4)
4. For a single row of sixty (60) degree head-in parking, the minimum width for parking space plus aisle shall be thirty-four feet (34'). For two rows of sixty (60) degree head-in parking, using the same aisle, the minimum width for parking spaces plus aisle shall be fifty-two feet (52') (See Figure 4)
5. For a single row of forty-five (45) degree head-in parking the minimum width for parking space plus aisle shall be thirty feet (30'). For two rows of forty-five (45) degree head-in parking, using the same aisle, the minimum width for parking spaces plus aisle shall be forty-eight feet (48') (See Figure 4)
6. A single line of parking spaces may be provided parallel to an aisle provided they are at least twenty-two feet (22') in length and nine feet (9') in width and twenty-two feet (22') of

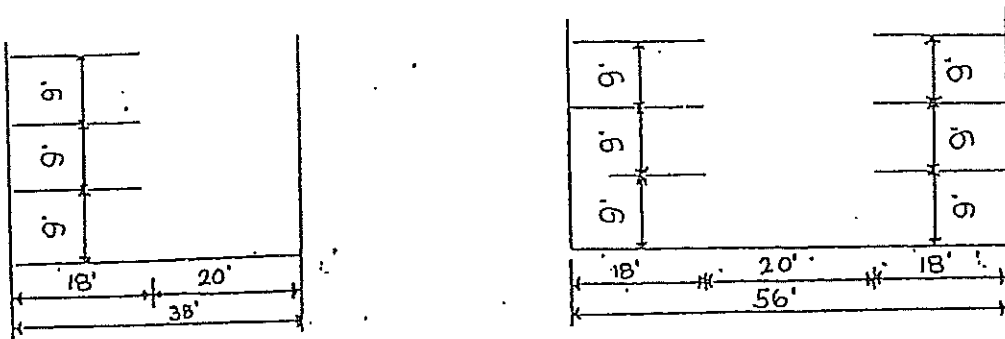
maneuvering space in front of and diagonal to the front most parallel parking space (See Figure 5)

- 7 When driveways are less than twenty feet (20') in width, marked separate entrances and exits shall be provided so that traffic shall flow in one direction only. Entrances and exits to an alley may be provided, if prior approval is obtained in writing from the City.
8. When more than one (1) aisle is provided, adequate internal circulation shall be provided between the aisles to allow movement between the aisles without using public right-of-way.
- 9 No parking shall be allowed within an area measuring eighteen feet (18') square with one side of the square along a property line and a second side of the square along the width limit of a drive approach in any district. The above noted eighteen foot (18') square area of no parking shall be behind the property line and adjacent to the throat of a driveway. Attached hereto is Figure 6 which is incorporated in and made part of this ordinance.
10. Maneuvering space shall be completely off the right-of-way of a public street, place or court. Drives and parking areas, including one and two family dwellings, shall be asphalt, concrete, or other approved hard, all-weather surface, free of litter, debris, weeds, grass, or other objectionable material or objects. All parking requirements applying to a stated unit of measurement shall be understood to include a parking space for each unit or fraction thereof.
- 11 Parking areas, which would require the use of public right-of-ways for maneuvering, shall not be acceptable other than for one and two family dwellings. Parking parallel to the curb on a public street shall not be substituted for off-street requirements.

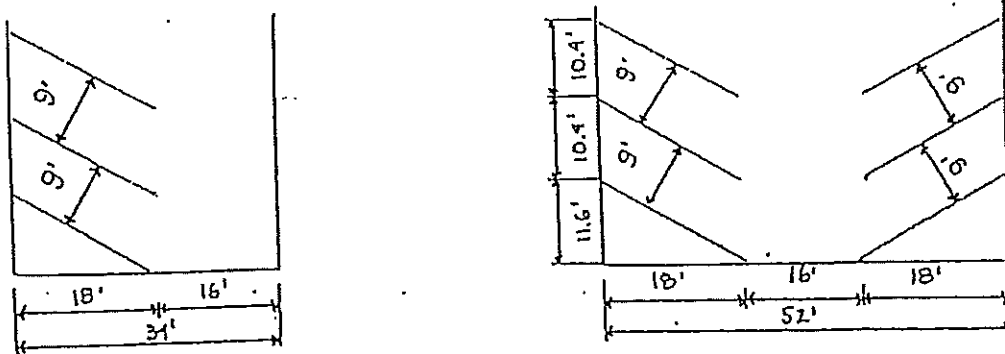
(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

Figure 4  
PARKING LOT LAYOUT

90° Parking Layout



60° Parking Layout



45° Parking Layout

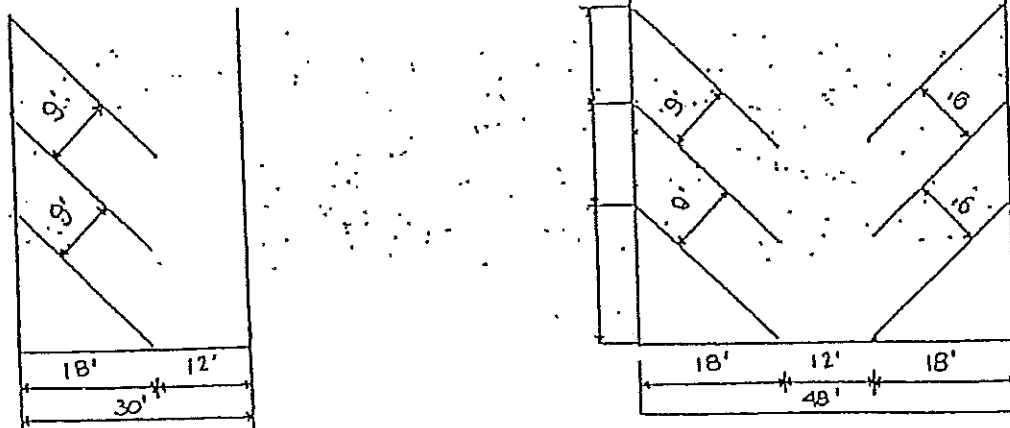




Figure 5  
PARALLEL PARKING LAYOUT

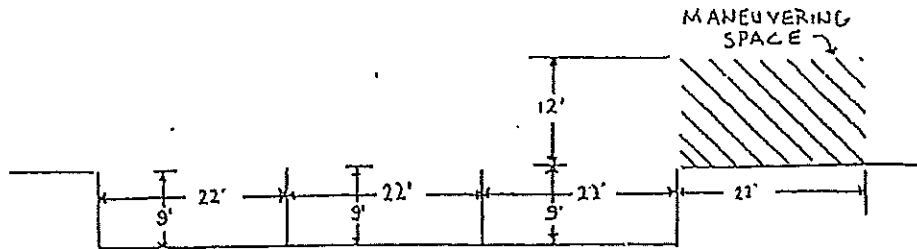
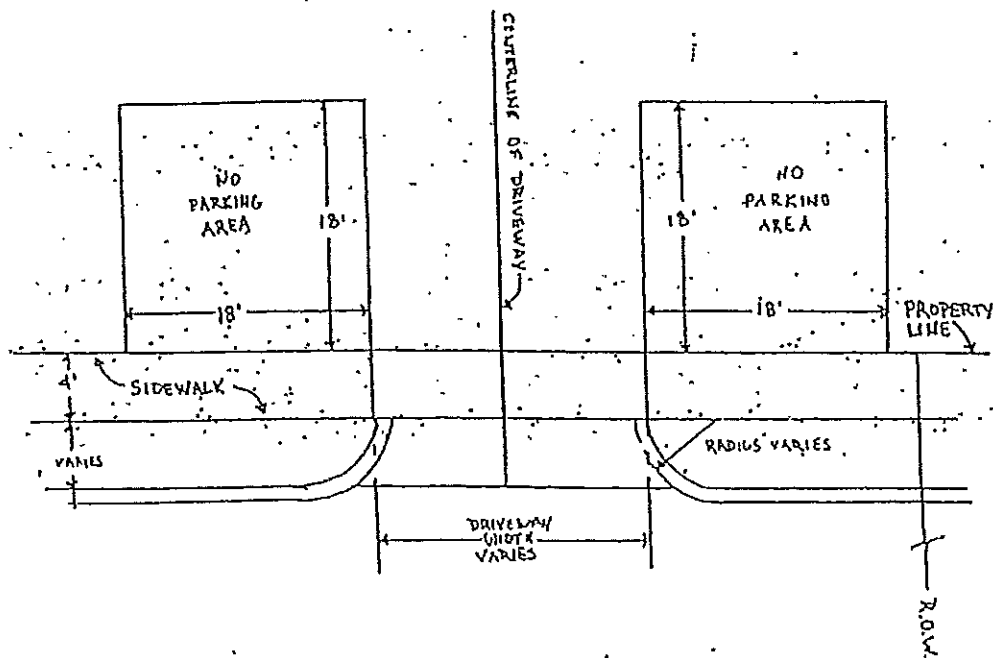


Figure 6  
NO PARKING ADJACENT TO DRIVE APPROACH



12. Nothing in this section shall require the furnishing of additional parking spaces for existing buildings to meet the requirements of this section for the existing use
13. When the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this section for the new use.
14. For existing buildings, which are enlarged, parking spaces shall be required for the overall building
15. When permanent seating is not provided in any public assembly area, the occupant load shall be computed in accordance with current Fire Code Regulations of the City of Kenedy as the Fire Code currently exists or may be amended in the future without requiring amendment to this ordinance. The applicable parking requirement will then be calculated as if each occupant had a permanent seat
16. The location of ingress and egress driveways shall be subject to the approval of the Administrative Official under curb cut or laid down curb authorization procedures
17. Auxiliary parking may be used if sufficient parking is not available on the premises. A private parking lot may be provided within five hundred feet (500'), either on property zoned for that purpose or as approved by the Planning and Zoning Commission under the following restrictions:
  - a. The parking must be subject to the front yard setback requirements of the district in which it is located
  - b. The parking area must be hard surfaced and dust free.
  - c. A minimum five-foot (5') high screen type fence or planting must be provided on all sides for the protection of the adjacent properties zoned for residential use.
  - d. Area lights must be directed away from adjacent properties and adjacent roadways.
18. Handicapped Parking Spaces:

In each parking facility in districts "MF", "C", "CBD", and "I", a portion of the total parking spaces available shall be specifically designed, located and reserved for vehicles licensed by the State for use by the handicapped. These spaces shall be provided according to the following schedule:

<u>Total Spaces in lot</u>	<u>Number of Handicapped Spaces</u>
1 to 10	0
11 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of total

Each parking space designated for use by the handicapped shall consist of a rectangular area not less than twelve and one-half feet wide by eighteen feet long (12 ½' x 18'), with a vertical clearance of seven and one-half feet (7 ½'), shall be located in an area not exceeding two percent (2%) slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. Parking spaces for the handicapped shall be signed in accordance with State law and restricted for use by the Handicapped only.

19. Parking Facilities shall meet the following safety standards.

- a Safety barriers, protective bumpers or curbing shall be provided to prevent encroachment onto adjoining public or private property.
- b Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.
- c Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

20. Lighting:

Lights provided to illuminate any parking facility or paved area shall, to the maximum extent feasible, be designed to reflect away from any residential use.

21. Maintenance:

All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

22. Drainage:

All parking facilities shall be graded and provided with permanent storm drainage facilities, meeting the construction specifications set by the City Engineer. Surfacing, curbing, and drainage improvements shall be sufficient to preclude the free flow of water onto adjacent properties or public streets or alleys, and to provide adequate drainage.

23. Parking and Storage of Certain Vehicles.

Automotive vehicles or trailers meeting the definition of "junked vehicle" shall not be parked or stored on any property other than completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property. Antique or special interest vehicles may be parked by a motor vehicle collector on the collector's property behind the front building line provided that the vehicle is parked on a concrete or asphalt surface at least nine feet (9') by eighteen feet (18') in size, the area is maintained in an orderly manner and not a health hazard, and that the area is screened from ordinary public view by not less than a six foot (6') solid fence. Covering of a junked, antique or special interest vehicle by a tarp or other fabric cover alone is not sufficient to comply with the screening requirement herein. Parking or storage of all licensed trailers shall conform to requirements of major recreational equipment. All automotive vehicles or trailers of any kind shall be parked on a concrete or asphalt surface not less than nine feet (9') by eighteen feet (18'). Use of an alternate all-weather hard surface may be approved only by the Administrative Official.

**SECTION 18**  
**NON-CONFORMING USES**

1. The lawful use of a "building" or fence existing at the time of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this ordinance
2. Repairs and alterations may be made to a legal non-conforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use and provided that no additional dwelling units shall be added where the non-conforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The Board of Adjustment shall have the authority after a hearing to grant extension of a building non-conforming as to uses not to exceed twenty-five percent (25%) of the ground area of the same in case of evident hardship, subject to the yard restrictions herein provided
3. The lawful use of "land" existing at the time of the passing of this ordinance, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.
4. A legal non-conforming use, if changed to conforming use, may not thereafter be changed back to a non-conforming use. A legal non-conforming use, may not thereafter be changed unless to an equal or to a more restricted use
5. A legal non-conforming use, when discontinued or abandoned, shall not be resumed, except that the existing yards for all single family residences existing at the time of the passage of this ordinance shall be deemed to be conforming. Discontinuance or abandonment shall be defined as follows:
  - a. When land used for a legal non-conforming use shall cease to be used in a bona fide manner for one (1) calendar month.
  - b. When a building designed or arranged for a non-conforming use shall cease to be used in a bona fide manner as a legal non-conforming use for a continuous period of six (6) consecutive calendar months
  - c. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a legal non-conforming use for a period of three (3) consecutive calendar months
6. Upon evidence of hardship, the Board of Adjustment shall have the power to extend the time limits in paragraph 5 above not to exceed six (6) months
7. If a building occupied by non-conforming uses is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform to provisions of this ordinance. In the case of partial destruction by fire or other causes, not exceeding fifty percent (50%) of its value, the Building Inspector may issue a permit for reconstruction. If greater than fifty percent (50%) and less than total, the Board of Adjustment may grant permit for repair after public hearing, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the

character of the area surrounding the designated non-conforming use and the conservation and preservation of property

- 8 A certificate of occupancy shall be issued for all legal non-conforming uses
- 9 Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a legal building permit has been heretofore issued, provided such construction shall have been started and shall be diligently prosecuted to completion.
- 10 The lawful location and maintenance of commercial signboards and billboards existing at the time of the passage of this ordinance may be continued, although such use does not conform with the provisions hereof, provided, however, that no alterations are made thereto and provided, however, any sign installed and in use prior to the enactment of this ordinance will not be restricted by the ordinance so long as its location, height, basic construction, message and other significant characteristics remain unchanged. Any sign in any zoning district which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration existing at the time of enactment of this ordinance shall be regulated by this ordinance
- 11 The foregoing provisions of this section shall also apply to uses, yards, or buildings made non-conforming by subsequent amendments to zoning regulations
- 12 Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of passage of this ordinance and which such entire building shall be completed within one (1) year from the passage of this ordinance. Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within six (6) months from the date of passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries or districts, the provisions of this ordinance with regard to buildings or premises existing or building under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment shall not be affected.

#### SECTION 19 BOARD OF ADJUSTMENT

##### A. PURPOSE

It is the declared purpose of this ordinance that non-conforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Governing Body shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any non-conforming use within the City.

##### B. ORGANIZATION

A Board of Adjustment shall be established and have all the powers and authority in accordance with Section 211.008, Local Government Code, as amended. The Board of Adjustment shall consist of five (5) voting members, appointed by the City Council. Board members shall serve two (2) year terms, with Places 1, 3, and 5 appointed in odd numbered years and Places 2 and 4 appointed in even numbered years. These appointments and places shall coincide with the appointments to the Planning & Zoning Commission of the City. In addition, the City Council may appoint up to four (4) alternates to serve in the absence of any Board member. The Board shall elect a chairperson from its members. Any member or alternate of the Board of Adjustment may be removed for just cause by

the City Council. "Just Cause" as that term is used herein shall include three (3) unexcused absences from meetings, regular or special, of the Board of Adjustment. Vacancies shall be filled by appointment by the City Council of a suitable person to serve out the unexpired term of any person whose place on the Board of Adjustment, either as a member or as an alternate, has become vacant for any cause.

The Board of Adjustment may adopt rules to govern its proceedings, providing, however, that such rules are not inconsistent with the terms of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the offices of the Board of Adjustment and kept as public record.

#### C. JURISDICTION

The Board of Adjustment shall have all powers granted by and be organized and controlled by the provisions of Section 211.009, Local Government Code. The Board of Adjustment is hereby vested with power and authority, and in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions and exceptions to the terms of this ordinance in harmony with its general purposes and intent in accordance with general or special rules herein contained for the purpose of rendering full justice and equity to the general public.

#### D. APPEALS

Appeals to the Board of Adjustment can be taken by any person aggrieved by any officer, department, or board of the municipality or affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceeding of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed, otherwise, than by restraining order which may be granted by the Board of Adjustment or by a court of record on application, after notice to the officer from whom the appeal is taken on due cause shown.

#### E. HEARING

The Board of Adjustment shall fix a reasonable time for the hearing of any appeal, variance, special exception, or other matter which the Board of Adjustment is authorized to review hereunder, give public notice thereof, as well as due notice to the parties and interests and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney or agent. The notice provided in this section shall be given by publication in the official city publication stating the time and place of such hearing, which shall not be earlier than ten (10) days from the day of such publication, and in addition thereto, the Board of Adjustment shall mail notices of such hearing to the petitioner and the owners of the property lying within two hundred feet (200') of any point of the lot or portion thereof, on an appeal, variance, exception or other action is proposed, and to all persons deemed by the board of Adjustment to be affected, such owners and persons shall be determined according to the current tax rolls of the City and substantial compliance therewith shall be deemed

sufficient, provided, however, that the depositing of such written notice in the mail by the board of Adjustment shall be deemed sufficient compliance with the purpose of this matter.

Any special exceptions authorized by the Board of Adjustment, either under the provisions of this chapter, or under the authority granted to the Board of Adjustment under the Statutes of the State of Texas, shall authorize the issuance of a building permit for a period of ninety (90) days from the date of the favorable action on the part of the Board of Adjustment, unless said Board of Adjustment in its minutes shall, at the same time, grant a longer period. If a building permit shall not have been issued within said ninety (90) day period or as the Board of Adjustment may specifically grant the special exceptions shall be deemed waived, and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to said Board of Adjustment in accordance with the rules and regulations regarding appeals.

The same appeal to the Board of Adjustment shall not be allowed on the same piece of property prior to the expiration of one (1) year from a ruling of the Board of Adjustment on any appeal to such body unless other property in the same zoned areas shall have, within such one (1) year period, been altered or changed by ruling of the Board of Adjustment, in which case such change of circumstance shall permit the allowance of an appeal but shall in no way have force in law to compel the Board of Adjustment after a hearing to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

#### F. POWER

The Board of Adjustment shall have the following powers:

##### 1 Variances

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary or desirable to protect the public interest. In making its findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Board finds:

- a That there were special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance deprive the applicant of reasonable use of his land; and
- b That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- c That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- d That the granting of a variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this ordinance.

Such findings of the Board, together with the specific facts upon which it is based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be

secured and substantial justice done Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship

2 Special Exceptions

The Board of Adjustment may permit a special exception when such use or development is specifically authorized under paragraph I of this Section. In reaching its decision the Board of Adjustment shall determine that the requested exception will establish only those uses permitted under the ordinance, that the location of the proposed activities and improvements are clearly defined on the site plan filed by the applicant; that the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the Board of Adjustment finds to be necessary to protect and maintain the stability of adjacent properties

3 Appeals of Decisions of Administrative Officers

- a The Board of Adjustment may hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this ordinance
- b. In exercising its power, the Board of Adjustment may, in conformity with the provisions of Chapter 211, Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as sought to be made and shall have all the powers of the officer from whom the appeal is taken, and may require such conditions and safeguards as the Board finds necessary to preserve the spirit and intent of this ordinance

4. Non-Conforming Uses

- a. The Board of Adjustment may permit the reconstruction; extension or enlargement of a building occupied by a pre-existing non-conforming use on the lot occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use
- b The Board of Adjustment may require the discontinuance of non-conforming uses under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.
- c The Board of Adjustment may determine whether an existing nonconforming animal lot, barn or stable may continue, with additional restrictions, or be discontinued If petitioned under the provisions of Section 20 It making its determination, the Board shall consider public health, animal welfare, and nuisance conditions, as well as the general character of the neighborhood.

G. CONCURRING VOTE

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative officer, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.



#### H. GRIEVANCES

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the City may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten (10) days of the questioned decision of the Board of Adjustment, and not thereafter, and shall comply in all respects with the requirements set forth in Section 211.011 of the Local Government Code.

#### I. AUTHORIZED SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Board of Adjustment, in the District specified, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board of Adjustment may impose:

SPECIAL EXCEPTION		DISTRICTS REQUIRING BOARD APPROVAL
a	Split-zoned lots, extension of use. Conditions: Extension of a use to lot line or for a distance of not more than one hundred feet (100') where the boundary line of district divides a lot held in single ownership	ALL
b.	Helistop for loading and unloading of passengers and cargo Subject to any conditions as may be determined by the Board	ALL
c.	Sand and gravel mining As a condition to approval, the Board may require the submittal of engineering data regarding the proposed operation and closure of the mine The Board may require additional conditions as deemed appropriate	ALL

#### SECTION 20 CERTIFICATE OF OCCUPANCY

##### CERTIFICATE OF OCCUPANCY:

No vacant land shall be occupied or used, except for agricultural purposes, and no building hereafter erected, reconstructed, altered, enlarged, or vacated shall be occupied or used until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this ordinance

Certificates of Occupancy shall be applied for coincident with the application for building permit, and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this ordinance and any other ordinance of the City and approval of all required inspections Approval of the final building inspection by the Building Inspection department shall serve as a Certificate of Occupancy for all one family and two family residential dwelling units.

#### **CERTIFICATE OF OCCUPANCY FOR A LEGAL NON-CONFORMING USE:**

Certificates of Occupancy shall be required for all legal non-conforming uses. Application for Certificate of Occupancy for such non-conforming uses shall be filed within twelve (12) months from the effective date of this ordinance, accompanied by affidavits of proof that such non-conforming uses were not established in violation of this ordinance, or any previous zoning ordinance.

Certificate of Occupancy shall state that the building or proposed use of a building or land, complies with all building and health laws and ordinances and with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. (No fee shall be charged for a Certificate of Occupancy for a legal non-conforming use.)

#### **SECTION 21 NEWLY ANNEXED TERRITORY**

All territory hereafter annexed into the City of Kenedy, Texas, shall be classified as "A" Agricultural District, until permanently zoned by the City Council of the City of Kenedy. The Planning and Zoning Commission may, after annexation of any territory into the City of Kenedy, institute proceedings on its own motion to give newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

#### **SECTION 22 BUILDING PERMITS**

All applications for building permits shall be accompanied by a drawing or plat, in triplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot and such other information as may be necessary to provide for the enforcement of these regulations. This plat shall be prepared after the lot has been staked by a licensed surveyor. A careful record of the original copy of such application and plats shall be kept in the office of the Building Inspector and a duplicate copy shall be at the building at all times during construction.

#### **SECTION 23 BOUNDARIES OF DISTRICTS**

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

1. The district boundaries are either streets, alleys, creeks, pipe lines, electric transmission lines, railroads, or other natural or manmade features not likely to change, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
3. In un-subdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale contained on such map, unless dimensions are shown.

## **SECTION 24 CHANGES AND AMENDMENTS**

The City Council may from time to time amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Before taking action on any such proposed amendment, supplement, or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change, notice of which hearing shall be given by publication one (1) time in the official paper of the City of Kenedy, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. Unless such proposed amendment, supplement, or change has been approved by the Planning and Zoning Commission or if a protest against such amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change or all property within two hundred feet (200') of all boundaries of the proposed change, such amendment, supplement, or change shall not become effective except by a favorable vote of three-fourth (3/4) of all members of the City Council.

Written notice of all public hearings on proposed changes in district boundaries shall be sent to, all owners of property, or to the person rendering the same for City taxes, located within two hundred feet (200') of any such reclassification not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Post Office. This shall be the method of notice for all public hearings of the Planning and Zoning Commission and the Board of Adjustment.

## **SECTION 25 VIOLATION AND PENALTIES**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be fined not less than Five Dollars (\$5.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense. This penalty should not be construed as exclusive, and the City is hereby provided that any other remedy available to it, in law or in equity, is not intended to be, and is not, foreclosed by the provision of such penalty.

## **SECTION 26 ENFORCEMENT**

The provisions of this ordinance shall be administered by the Administrative Official or his duly authorized representatives. The Administrative Official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the enforcement of this ordinance.

## **SECTION 27 INJUNCTION; CIVIL PENALTIES**

The City shall have and retain the right to seek injunctive relief and/or civil penalties against any person, firm or corporation who is in the process of or about to violate any section, paragraph or part of this ordinance. Such right for injunctive relief and/or civil penalties shall exist independent of the other penalty provisions of this ordinance and not in lieu thereof.

**SECTION 28  
FEES, CHARGES, AND EXPENSES**

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, application for amendments, and other matters pertaining to this ordinance

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

**SECTION 29  
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, clauses and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause or phrase of the ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase

**SECTION 30  
SAVING CLAUSE**

All rights or remedies of the City of Kenedy, Texas, are expressly saved as to any and all violations of this ordinance, or of any zoning ordinance or amendments thereto of said City of Kenedy, Texas, that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, the Court shall have all the powers that existed prior to the effective date of this ordinance; and all existing violations of previous zoning or building ordinances which would otherwise become non-conforming uses under this ordinance, shall not become legal non-conforming uses under this ordinance but shall be considered as violations of this ordinance in the same manner that they were violations of prior zoning ordinances of the City of Kenedy, Texas

**SECTION 31  
REAPPLICATION**

**LIMITATION OF REAPPLICATION:**

When the City Council has denied a proposal with prejudice, or when the applicant has withdrawn his proposal after notice of the Planning and Zoning Commission meeting thereon has been made, no reapplication requesting the same zoning classification shall be accepted by the City or scheduled for hearing by the Planning and Zoning Commission within a period of twelve (12) months of the Council's denial with prejudice or the applicant's withdrawal. Provided, however, on receipt of a request stating how conditions have changed substantially within the community since the prior denial with prejudice or withdrawal, the Planning and Zoning Commission may waive the mandatory delay period and authorize the acceptance of a new application.

**SECTION 32  
EFFECTIVE DATE**

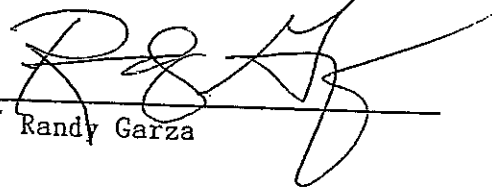
This ordinance shall take effect immediately from and after its passage and in accordance with the provisions of Chapter 52 of the Texas Local Government Code

SECTION 33  
OPEN MEETINGS

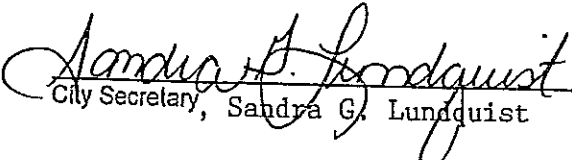
It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 511 of the *Texas Government Code*

PASSED AND APPROVED on this the 9th day of August, 2011

City of Kenedy, Texas

  
\_\_\_\_\_  
Mayor Randy Garza

ATTEST:

  
\_\_\_\_\_  
City Secretary, Sandra G. Lundquist