



# Chapter 14

# Zoning Ordinance

# Adopted 2021

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## Chapter 1: Generally

### **Sec. 14.02.001 Authority**

#### ***CHAPTER- 1. Generally***

This article is prepared under the authority of chapter 211, Texas Local Government Code of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures. (1990 Code, sec. 30-1)

### **Sec. 14.02.002 Purpose**

#### ***CHAPTER- 1. Generally***

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1990 Code, sec. 30-2)

### **Sec. 14.02.003 General Provisions**

#### ***CHAPTER- 1. Generally***

A. Establishment of districts. For the purpose of this article, the city is hereby divided into districts as listed in the attached DIVISION 6 -RESIDENTIAL LOT AND DIMENSION TABLE.

B. Flood Plain designation overlay Notwithstanding the foregoing, there shall be a district known as a "FP" flood plain district, which may be coextensive with, or overlap any or all of the foregoing districts, or portions thereof, and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing district and be zoned "FP" flood plain. Where a tract of land or portion thereof is zoned for the uses of the foregoing districts and is also zoned "FP" flood plain, the restrictions contained in the "FP" flood plain district shall be applicable to said tract or portion thereof and shall take precedence over the other zoning districts.

C. Zoning Map. The city is hereby divided into zones, or districts, as shown on the

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official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this article.

D. Map certified. The official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map adopted as part of Ordinance No. \_\_\_\_\_ of the City of Goliad, Texas."

E. Location of Map. The official zoning map shall be in the custody of, and shall remain on file in the office of the City Secretary and the City Administrator.

F. Public Inspection of Map. The zoning map, or a copy, shall be available for public inspection for all matters that are of public record.

G. Amendment of official zoning map. When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council.

H. Official zoning map replacement. The city council may, by ordinance, adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the Zoning Ordinance of the City of Goliad, Texas."

I. Interpretation.

(1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.

(2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

(3) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines or section lines, or quarter section lines, or quarter-quarter section lines.

(4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the board of adjustment shall interpret the district boundaries.

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J. Rules for words and phrases. For the purposes of this article, words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation, as well as, an individual; the word "used" includes designed and intended or arranged to be used; the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this article imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this article shall govern.

K. Compliance with regulations. The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified herein for the district in which it is located.

(3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this article.

(4) No part of a yard, other open space, off-street parking or loading space, required about or in connection with any building for the purpose of complying with this section [article], shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

L. Structures to have access. Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

M. Visibility at intersections. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner (as with traffic visibility across materially) to interfere [with] the corner. This visibility area shall be a triangle measured twenty-five (25) feet from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two (2) feet in height and vegetation should not droop to less than ten (10) feet from the ground.

N. Fences, walls, and hedges. Please refer to the city's fence ordinance for specific restrictions.

O. Height and area excitations. The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

(1) Churches, schools, and other public and quasi-public buildings may be

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erected to a height not exceeding thirty (30) feet or two (2) stories, provided the front, side, and rear yards required in the district in which such a building or structure is to be located are each increased at least one (1) foot for each foot of additional height above the height otherwise established for the district in which such building or structure is to be located.

(2) Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, microwave radio relay or broadcasting towers, masts or aerials, and necessary mechanical appurtenances, are hereby excepted from the height regulations of this section.

(3) When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located, and was of record, as such, at the time of the passage of this article, such lot may be occupied by one (1) family subject to the setback, rear yard, and side yard regulations for the district in which it is located.

P. Home Occupation. The purpose of the home occupation provision is to permit the conduct of home occupations that are compatible with the neighborhoods in which they are located. Home occupations are a permitted accessor use in all residential districts, and are subject to the requirements of the district in which the use is located, in addition to the following:

(1) Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation.

(2) The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.

(3) No more than twenty-five (25) percent of the area of one (1) story of the principal building shall be devoted to the home occupation.

(4) There shall be no exterior alterations which change the character thereof as a dwelling, other than those signs permitted in the district.

(5) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

(6) No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interface, or any other nuisance associated with the average residential use in the district.

(7) The home occupation shall not create any increase in vehicular flow or parking by more than two (2) additional vehicles at a time and shall not create greater pedestrian traffic than normal for the district.

(8) No signs may be erected identifying a home occupation in a residential neighborhood, unless required by law.

(8) Examples of home occupations: The following are examples of uses that can often be conducted within the limits of this section. Uses listed in this paragraph do not automatically qualify as a home occupation, nor does this listing limit the uses that may qualify as

home occupations: handicraft, dressmaking, accountant, artist, consultant, individual tutoring (music lessons included), millinery, attorney, and realtor. Prohibited uses: The following uses have a tendency to violate the provisions for home occupations, and thereby, impair the character of residential areas. Therefore, the uses specified shall not be permitted as accessory uses in residential districts: commercial auto repairs, painting of vehicles or boats, private schools, and child day care center of more than ten (10) children.

### **Sec. 14.02.004 Amendments**

#### ***CHAPTER- 1. Generally***

A. **General.** The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and zoning commission and its composition and duties are established by the city council.

(1) **Amendment initiation.** An amendment to this article may be initiated by: City council on its own motion.

(2) Planning and zoning commission; or

(3) Request by owner or agent of owner of property to be changed.

Procedure.

All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.

The city council may not enact any proposed amendment until the planning and zoning commission makes its final report to the city council. The city council may refer proposed amendments to the planning and zoning commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

Public hearing and notice. Prior to making its report to the city council, the planning and zoning commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred (200) feet of such property or within two hundred (200) feet of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. 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 mail. No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state law.

**Commission report.** The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may but need not include reasons for such decision. The commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes that may have a direct bearing thereon. If the commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.

**Forwarding final report.** Every proposal, receiving a final report by the commission, shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

**Withdrawal.** Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

**Council hearing and notice.** The city may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

Application is not to be considered for another six months after denial of request for rezoning. No application for rezoning shall be considered within six (6) months of denial of a request by the city council for the same classification on the same property.

**Protest against change.** In case of a protest against such change, signed by the owners of twenty (20) percent or more either of the land included in such proposed change, or of the land within two hundred (200) feet thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.

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Council action on application. The proponent of any zone change shall satisfy the city council that either the general welfare of the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

Site Plan and Supporting documents required, Petition for zoning district change or conditional use. When in the opinion of the planning and zoning commission, city council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon. The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition. The general type and extent of plans and supporting documents that may be required of the petitioner include, but are not necessarily limited to:

Site plan. Meeting all of the requirements of a "preliminary plat," as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

Existing and proposed zoning district.

General outline of extensive tree cover areas.

Drainageways and 100-year floodplain limits.

Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required.

A tabular summary schedule indicating:

The gross acreage and percent of each type of zoning category proposed.

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The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single-family, two-family, multifamily townhouse, etc., including the total gross project acreage.

The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single-family, two-family, etc.).

Proposed maximum lot coverage by building types (i.e., 1/F, 2/F, M/F, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

Written documents. In narrative form on eight and one-half (8-1/2) inch by eleven (11) inch sheets, including:

Legal description of the total site area proposed for rezoning, development, or conditional use permit.

A development schedule outlining when construction of the proposed development or subsequent stages or phases thereof shall be completed

A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application.

Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

A fee in the amount established by city council shall accompany all requests for amendments to the zoning ordinance except requests initiated by the city council or the planning and zoning commission.

### **Sec. 14.02.006-14.02.050 Reserved**

## **Chapter 2: Administration**

### **Sec. 14.02.201 Administration, Enforcement and Fees**

#### ***CHAPTER- 5. Administration***

- A. **Administration.** The city administrator, or designee, is hereby designated by the city council as the administrative official to supervise the administration and enforcement of this article.

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

- B. Violations and Penalties. The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this article has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violations shall exist shall be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) or not more than two thousand dollars (\$2,000.00), and each day any violation of [or] noncompliance continues shall constitute a separate and distinct offense.
- C. Interpretation and Appeals. It is the intent of this article that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the zoning board of adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the zoning board of adjustment shall be to the courts as provided by law.
- D. City council duties. It is further the intent of this article that the duties of the city council in connection with this article shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article. Under this article, the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this article, as provided by law, and, of establishing a schedule of fees and charges as stated in subsection (e) below.
- E. Fees. The city council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for the administration, permits, certificates of occupancy, zoning change requests, zoning board of adjustment appeals and other matters pertaining to this article. The schedule of fees shall be posted in the office of the zoning administrative official and may be altered or amended only by action of the city council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. (1990 Code, sec. 30-101)

### **Sec. 14.02.202 Planning and Zoning Commission** ***CHAPTER- 5. Administration***

Duties and Powers. The planning and zoning commission is hereby charged with the duty and invested with the authority to:

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- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.
- (2) Recommend to the city council approval or disapproval of proposed changes in zoning.
- (3) Formulate and recommend to the city council, for its adoption, a comprehensive/land use plan for the orderly growth and development of the city and its environs and from time to time recommend such changes thereto.
- (4) Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats set out in chapter 212, section 212.006 of the Local Government Code of the State of Texas.
- (5) Initiate in the name of the city, for consideration at public hearing, all proposals:
  - For the opening, vacating or closing of public rights-of-way, parks or other public places or closing of public right-of-way, parks or other public places.
  - For the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.
- (6) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- (7) Submit quarterly, a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and identity of commission officers.

### **Sec. 14.02.203 Board of Adjustment** ***CHAPTER- 5. Administration***

#### **BOARD OF ADJUSTMENT**

- (1) **Established**  
A Board of Adjustments (hereafter in this Section, the “Board”) is established in accordance with the provisions of § 211.008 -211.011 of the Texas Local Government Code, as may be amended, regarding the zoning of cities and with the powers and duties as provided in said code.
- (2) **Membership and Procedure**
  - (a) **Regular Membership.** The Board shall be governed by five (5) members who shall be qualified electors of the City, each to be appointed or re-appointed by members of the Board of Aldermen. The members of the Board shall elect one of themselves to be the Chair of the Board.

(b) **Alternate Members.** The Board shall have two (2) alternate members appointed by the Board of Aldermen.

(c) **Vacancies.** Vacancies shall be filled by an alternate member for the unexpired term of a member whose term becomes vacant. Any member absent for two (2) regular consecutive meetings shall be deemed to have vacated such office unless such absences were:

1. due to sickness of the member or the member's family
2. with leave being first obtained from the Chairman. Vacancies of an alternate member shall be filled by appointment of the Board of Aldermen by majority vote.

(3) **Meetings, Quorum**

Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. Four (4) members of the Board shall constitute a quorum for the conduct of business. However, 75% of the membership of the board must hear, and a concurring vote of 75% of the membership is necessary to:

- (a) reverse an order, requirement, decision, or determination of an administrative official;
- (b) decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or
- (c) authorize a variation from the terms of a zoning ordinance.

(4) **Duties and Powers**

The Board of Adjustment shall have the powers and duties as indicated in this section, and by Section 211.008, Texas Local Government Code, as now or hereafter amended.

(5) **Hearings**

The hearings of the Board of Adjustment shall be open to the public and notice shall be posted as required under the Sec. 551.041, et seq., Texas Government Code and shall be public, provided that upon the advice and consent of the City Attorney, the Board may go into executive session pursuant to Sec. 551.071, Tex. Gov't. Code.

(6) **Rules and Regulations**

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and such minutes shall be filed in the office of the City Secretary and shall be a public record. The Board of Adjustment shall act by resolution in which four members must concur. The Board may adopt rules in accordance and consistent with this ordinance as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

**(7) Authority**

(a) The Board of Adjustment shall have the authority, subject to the standards established in Section 211.009 of the Texas Local Government Code, as amended, and those established herein, to exercise the following powers and perform the following duties:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance; and
2. Hear and decide special exceptions to the terms of this ordinance when it requires the Board to do so; and
3. Inquire into, on its own motion or upon cause presented by interested persons, the abatement, vacation, demolition, removal, expansion, extension, resumption, repair, reconstruction, or other action, of a nonconformity.
4. Authorize in specific cases a variance from the terms of this ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of this ordinance is observed and substantial justice is done.
5. In exercising its authority under “1” above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.
6. The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of four (4) members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision, or determination on the matter appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

**(8) Appeals**

1. An appeal may be taken from the decision of an administrative official by an applicant for the permit on which the decision is rendered, by any person or persons directly aggrieved by the decision or by any officer, department, board or bureau of the municipality affected by the decision.
2. The appellant must file with the Board and the official against whom the appeal is taken a written notice of appeal specifying the grounds for the appeal within fifteen (15) days after the decision has been rendered. The official against whom the appeal is taken shall immediately forthwith transmit to the Board all papers constituting the record of the action that is appealed.

3. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

4. The Board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. The appellant party may appear at the appeal hearing in person or by agent or attorney.

**(9) Judicial Review**

Any person or persons, jointly or severally, aggrieved by a 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 of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the Board's office.

If a decision of denial has been rendered by the Board of Adjustment, there shall be a six (6) month holding period before any new application may be filed for consideration by the Board of Adjustment for the same request.

**(10) Limitations on Authority of Board**

(a) The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought.

(b) The Board shall have no power to grant or modify specific use permits authorized the Zoning Ordinance.

(c) Although action may be effected by the Board, a variance or special exception for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat, Final Plat, or Zoning Amendment, where required, has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the Board of Aldermen, will not be deemed to be granted until said final action has been completed. All administrative remedies available to the applicant shall have been exhausted prior to a hearing by the Board. The Board shall have no power to grant a zoning amendment.

**(11) Variances**

(a) In order to grant a variance from zoning regulations, the Board must make written findings that the variance creates undue hardship, using the following criteria:

a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;

b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;

- c. That the relief sought will not injure the permitted use of adjacent conforming property; and
  - d. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- (b) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.
- (c) The applicant bears the burden of proof in establishing the facts justifying a variance.
- (d) Any variance authorized by the Board, either under the provisions of the Zoning Ordinance, or under the authority granted to the Board under the Statutes of the State, shall authorize the issuance of a building permit, Certificate of Occupancy or other relief as the case may be for a period of ninety (90) days from the date of the favorable action on the part of the Board, unless said Board in its minutes shall, at the same time, grant a longer period.
- (e) If a building permit or a certificate of occupancy shall not have been applied for or issued within a ninety-day period or as the Board may specifically grant, the variance shall be deemed waived; and all rights thereunder terminated. The Board may grant one or more extensions to this time period upon the applicant's request and if due cause is shown.

**(12) Special Exceptions**

- (a) The Board shall have the authority to hear and allow special exceptions for buildings and only when the use is conforming.
- (b) In granting a special exception, the Board shall not authorize uses that are not allowed under the terms of this ordinance for the respective district.
- (c) A proof of hardship is not required for granting a special exception.
- (d) The granting of an allowed Special Exceptions by the Board is subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose for protection of public health or safety.
- (e) Any special exception authorized by the Board, either under the provisions of the Zoning Ordinance, or under the authority granted to the Board under the Statutes of the State, shall authorize the issuance of a building permit, Certificate of Occupancy or other relief as the case may be for a period of ninety (90) days from the date of the favorable action on the part of the Board, unless said Board in its minutes shall, at the same time, grant a longer period.
- (f) If a building permit or a certificate of occupancy shall not have been applied for or issued within a ninety-day period or as the Board may specifically grant, the special

exception shall be deemed waived; and all rights thereunder terminated. The Board may grant one or more extensions to this time period upon the applicant's request and if due cause is shown.

(13) **Procedures**

(a) Application and Fee - An application for granting a variance or special exception by the Board, other than an appeal, shall be in writing using forms provided by the City and shall be accompanied by a fee. The application for a special exception shall be the same as for a zoning variance.

(b) Notice and Hearing - The Board shall hold a public hearing no later than 45 days after the date the application for action or an appeal from a zoning administration decision is filed on each such application or appeal. Notice of a public hearing shall be provided to all property owners within two hundred (200) feet of the affected property ten (10) days prior to the public hearing and also published in the official local newspaper.

**Sec. 14.02.204-14.02.250 Reserved**  
***CHAPTER- 2. Administration***

## Chapter 3: Uses

**Sec. 14.02.301 Conditional Uses**

***CHAPTER- 3. Uses***

After public hearing and proper notice, and after recommendation by the planning and zoning commission, the city council may authorize the issuance of conditional use permits when the council finds all of the following conditions present:

- (1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare.
- (2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use.
- (3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and
  - That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

Prior to the granting of any conditional use, the city council may stipulate such conditions, restrictions, and duration upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in subsections (a)(1) through (6) above. In all cases in which conditional uses are granted, the council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a right to the use and the conditional use may be canceled at the city council's sole discretion. No application for a conditional use that has been denied wholly or in part by the city council shall be resubmitted for a period of six (6) months from the date of said denial.

### **Sec. 14.02.302 Classification of New & Unlisted Uses; Annexed Territory**

#### ***CHAPTER- 3. Uses***

- A. It is recognized that new types of land use will develop, and forms of land use, not anticipated, may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1) The zoning administrative official shall refer the question of any new or unlisted use to the planning and zoning commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as, water and sanitary sewer.

(2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and, after public hearing, determine the zoning district or districts within which such use should be permitted. The planning and zoning commission shall transmit its findings and recommendations to the city council as to the

## City of Goliad Chapter 14 Zoning Ordinance

classification proposed for any new or unlisted use. The city council may approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use, as is determined appropriate after considering the facts and recommendations.

- B. Concurrent rezoning and annexation. The city may consider application(s) for permanent zoning of a newly annexed area at the same time as the area is being considered for annexation. (1990 Code, sec. 30-112(c); Ordinance 2009-518 adopted 6/16/09)

### Sec. 14.02.303 Nonconforming Uses

#### *CHAPTER- 3. Uses*

A. Intent.

- (1) Within the districts established by this article, or amendments that may later be adopted, there exist lots and uses of lands, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before this article was passed and amended, but which would be prohibited, regulated or restricted under the terms of this article or future amendments. It is the intent of this article to permit these nonconformities to continue until they are removed.
- (2) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- B. Nonconforming lots of record. In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this article. This provision shall apply even if such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by section 14.02.202 [14.02.351]; however, all other provisions of section 14.02.202 [14.02.351] shall apply. Any required variances shall be obtained only through the zoning board of adjustment.

C. Conformance when:

- (1) The lawful use of a building or land existing at the date of enactment of this

article, although such does not conform to the provisions hereof, may be continued, but if nonconforming use is discontinued for a period of six (6) consecutive calendar months, it shall not thereafter be resumed and any future use of such building or land shall be in conformity with the provisions hereof.

- (2) The use of land, if changed from a nonconforming use, shall be in conformity with the provisions hereof.

- D. Board approved use conforms. Any use that is permitted in a district only upon action of the board of adjustments shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions of a conditional permit for such use.

**Sec. 14.02.304-14.02.350 Reserved**

***CHAPTER- 3. Uses***

## Chapter 4: Districts

**Sec. 14.02.401 Reserved**

***CHAPTER- 4. Districts***

**Sec. 14-02-402 - AG agricultural district**

(a) Purpose. The AG district is intended to be used primarily in areas where agricultural uses should be retained, where scattered non-farm growth should be prevented, and as a temporary classification for newly annexed lands.

(b) Uses permitted. The following uses shall be permitted:

- (1) Any customary agricultural use, building, or structure, including nurseries, greenhouses, orchards, truck farms and animal farms.
- (2) Single-family detached residential dwellings.
- (3) Churches and parish houses; cemeteries and crematories for the human dead; school(s) and colleges, including dormitories; public buildings and structures of the recreational, cultural, administrative and public service type; parks, playgrounds, and neighborhood recreational centers.
- (4) Private noncommercial recreation areas, including country clubs, riding stables, swim clubs, and similar uses.

(5) Dairies and related establishments for processing milk products, not including retailing.

(6) Public utilities and railroad right-of-way and tracks, not including terminals, railroad yards, reservoirs, water towers pumping plants, or storage yards.

(7) Bed and breakfasts.

(c) Conditional uses. The following uses shall be permitted only if expressly authorized by the city council:

(1) Hospitals for human care and veterinary hospitals of any kind, provided that the hospital grounds shall be distant at least two hundred (200) feet from any residential district.

(2) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district, provided there is no yard or garage for service or storage, and provided further that the premises upon which the utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood, and not objectionable as to noise, odor, vibration or other disturbances.

(3) Radio and television transmitter tower.

(4) Satellite dishes.

(d) Accessory uses. Accessory uses, buildings, or structures customarily incidental to any aforesaid permitted or conditionally permitted uses, including the following:

(1) Temporary fruit stands on any premises used for agricultural purposes.

(2) Parking facilities. Garages, carports, or other parking spaces for the exclusive use of residents of the premises in accordance with [section 14.02.353](#).

(3) Swimming pools.

(e) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear) maximum building height

(stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of [section 14.02.351](#), “Schedule of District Regulations” and other applicable provisions of [section 14.02.352](#), “Supplementary District Regulations.”

**Sec. 14.02.403 R-1 single-family residential**

(a) Purpose. This district is the predominant single-family housing district in the city. Unless otherwise specified or requested, all residentially suited areas presently undeveloped, should be zoned in this district. Development in the R-1 district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.

(b) Uses permitted. The following uses shall be permitted:

- (1) One-family dwellings, detached and constructed on-site. Manufactured homes are prohibited from occupying sites in the R-1 district.
- (2) Modular homes.
- (3) Parks and playgrounds.
- (4) Athletic fields and playfields, noncommercial, including stadiums.
- (5) Bed and breakfasts.

(c) Conditional uses. The following conditional uses may be allowed in the R-1 district, subject to the provisions of [section 14.02.251](#), and the distances specified in this subsection shall prevail, unless they are modified by the board of adjustment in accordance with the provisions of [section 14.02.251](#).

- (1) Public utility and public services.
- (2) Churches, parish houses, convents.
- (3) Public and private schools.

(d) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of [section 14.02.351](#), “Schedule of District Regulations” and other applicable provisions of [section 14.02.352](#), “Supplementary District Regulations.”

- (e) Automobile parking space regulations. For parking space requirements, see [section 14.02.353](#).



**Sec. 14.02.404 R-2 multiple-family residential**

(a) Purpose. The R-2 district is established to meet the needs for medium to high density residential areas, where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

(b) Uses permitted. The following uses shall be permitted:

- (1) Multiple-family dwellings and clustered multiple-family dwellings, which clustered multiple-family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed;
- (2) Two-family dwelling units;
- (3) Churches, parish houses, convents;
- (4) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes;
- (5) Parks and playgrounds;
- (6) Accessory uses, including, but not limited, to the following:
  - (A) Athletic fields and playfields, noncommercial, including stadiums and grandstands;
  - (B) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction;
- (7) Existing one-family dwelling units used as such on the effective date of this article;
- (8) Day care centers; and
- (9) All structures pertinent to this section must be constructed on-site.

(10) Bed and breakfasts.

(c) Conditional uses. The following conditional uses may be allowed in the R-2 district subject to the provisions of [section 14.02.251](#):

(1) Any uses allowed as a conditional use in the R-1 district unless permitted above.

(2) Offices for professional uses, such as (without limitation due to enumeration), building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.

(d) Area, yard, height, and lot coverage requirement. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of [section 14.02.351](#), “Schedule of District Regulations,” and other applicable provisions of [section 14.02.352](#), “Supplementary District Regulations.”

(e) Automobile parking space regulations. For parking space regulations, see [section 14.02.353](#).

**Sec. 14.02.405 C-1 general commercial**

(a) Purpose. The C-1 district is established to accommodate those uses that are of city-wide and regional significance such as retail, service, and office uses.

(b) Generally.

(1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.

(2) No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building, except for incidental display or sale of seasonal retail items and such incidental display shall be permitted.

(3) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half ton capacity when located within one hundred fifty (150) feet of a residence district boundary line.

(c) Uses permitted. The following uses shall be permitted:

- (1) Dwelling units on the second floor of a ground floor business use, as long as all requirements have been met in accordance with applicable city ordinances, state and federal laws and regulations;
- (2) Neighborhood retail sales and service;
- (3) Business offices;
- (4) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
- (5) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
- (6) Bakeries, cafes, confectioneries, ice cream shops, and restaurants that prepare foodstuffs for on-site retail sale only;
- (7) Automobile parking lots and structures;
- (8) Other neighborhood retail sales or service uses, which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property;
- (9) Churches;
- (10) Public utility and public service uses;
- (11) Antique shops;
- (12) Art galleries and museums;
- (13) Banks and financial institutions;
- (14) Department stores;
- (15) Dry goods stores;

- (16) Florist shops and conservatories;
- (17) Furniture stores;
- (18) Household appliance stores, including radio and television sales and services;
- (19) Loan offices;
- (20) Musical instruments sales and repair; office supply stores; optical sales;
- (21) Physical culture and health services and reducing salons;
- (22) Sporting goods stores;
- (23) Theaters, indoors;
- (24) Travel bureaus and transportation ticket offices;
- (25) Schools, trade;
- (26) Repair and storage garages;
- (27) Theaters, lodges, assembly halls, auditoriums;
- (28) Tire repair shops;
- (29) Auto body operations;
- (30) Automobile accessory stores;
- (31) Automobile service stations, including the incidental storage of rental trucks and trailers, except that trucks and trailers for storage or rental may not be parked within the public right-of-way;
- (32) Clothing and costume rental stores;
- (33) Schools for music, dance, business or trade;
- (34) Cleaning and dyeing facilities;

- (35) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
  - (36) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
    - (A) Any use permitted only in an I-1 district;
    - (B) Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
    - (C) Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property;
  - (37) Bed and breakfasts.
- (d) Conditional uses. The following conditional uses may be allowed in the C-1 district subject to the provisions of [section 14.02.251](#).
- (1) Hotels and motels, provided that the zoning lot shall be not less than two (2) acres;
  - (2) Dwelling units, restricted to a total gross floor area of five thousand (5,000) square feet above the ground floor of a commercial building.
  - (3) Single-family residential dwelling units, including modular homes.
- (e) Area, yard, height, and lot coverage requirement. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of [section 14.02.351](#), “Schedule of District Regulations,” and other applicable provisions of [section 14.02.352](#), “Supplementary District Regulations.”
- (f) Automobile parking space regulations. For parking space regulations, see [section 14.02.353](#).

**Sec. 14.02.406 I-1 industrial**

(a) Purpose. The I-1 district is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses that might impede the development and use of such lands for industrial purpose.

(b) Generally. Uses permitted in the I-1 district are subject to the following conditions:

(1) All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the “drive-in” type, shall be conducted within completely enclosed buildings, unless otherwise indicated in this section;

(2) All storage within one hundred (100) feet of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening, not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.

(c) Uses permitted. Uses permitted in the I-1 district shall be as follows:

(1) Advertising products, such as signs and billboards;

(2) Ambulance, bus, train, and taxi stations, truck yards;

(3) Dairy and other food products, but not including fish and meat products, sauerkraut, vinegar, yeast, alcohol or alcoholic beverages;

(4) Building materials yard, contractor's yard, lumberyard;

(5) Ceramic products, such as pottery, figurines, and small glazed tiles;

(6) Electrical appliances, such as lighting fixtures, irons, fans, and toasters;

(7) Electronic instruments;

(8) Furniture refinishing using a manufacturing or chemical dipping process;

(9) Insecticide and pesticide, packaging only;

- (10) Machine shops and fabrication of metal not more than ten (10) gauge in thickness;
- (11) Medical, dental, and optical supplies;
- (12) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers;
- (13) Photo finishing associated with a manufacturing process;
- (14) Repair of farm, household, office machinery or equipment;
- (15) Scientific and precision instruments;
- (16) Sheetmetal shops;
- (17) Existing commercial and residential uses in use as such on the effective date of this article;
- (18) Public utility and public service uses;
- (19) Stadiums, auditoriums, and arenas, open or enclosed;
- (20) Storage and warehousing establishments;
- (21) Trailer sales and rental, for use with private passenger motor vehicles;
- (22) Wholesaling establishments;
- (23) Accessory uses, including but not limited to the following:
  - (A) Temporary buildings for construction purposes for a period not to exceed the duration of such construction;
- (24) Other wholesale, manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property;
- (25) Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to

which they are related, including sales and service in a separate building or buildings.

(d) Conditional uses. The following conditional uses may be allowed in the I-1 district subject to the provisions of [section 14.02.251](#):

- (1) Amusement establishments, livestock exhibition halls, including fairgrounds, permanent carnivals, kiddy parks, and other similar outdoor amusement facilities;
- (2) Asphalt and concrete hatching or ready-mix plants;
- (3) Concrete products casting;
- (4) Dwelling units may be permitted only as an accessory use and only for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them;
- (5) Gasoline and oil storage, wholesale, provided all applicable safety regulations are complied with, and provided, however, that the location is approved by the board of adjustment;
- (6) Motor freight terminals;
- (7) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;
- (8) Restaurant;
- (9) Theaters, automobile drive-in;
- (10) Automobile and motorized vehicle and equipment display, sales, and service; or
- (11) Existing commercial and residential uses used as such on the effective date of this article.

(e) Density, area, yard, height, and lot coverage requirement. The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the

provisions of [section 14.02.351](#), “Schedule of District Regulations,” and other applicable provisions of [section 14.02.352](#), “Supplementary District Regulations.”

(f) Automobile parking space regulations. For parking space regulations, see [section 14.02.353](#).

**Sec. 14.02.407 MU - Mixed Use Vehicular - Manufactured, Recreational Vehicle Parks and Tiny Homes**

Purpose and scope. It is the purpose of the MU Mixed Use Vehicular -Manufactured Home Parks, Recreational Vehicle Parks and Tiny Homes district to provide areas for the location of manufactured homes in an attractive, moderate density setting and insure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use. It is not the intent of this article to repeal any section of any ordinance regulating manufactured housing. If it also the intention to describe and provide areas for Recreational Vehicles and Tiny Homes.

**A. Manufactured Home Parks –**

**1. Principal permitted uses for Manufactured Home Parks.**

- (1) HUD-code manufactured home; and
- (2) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature. Any principal building or any swimming pool shall be located not less than one hundred (100) feet from any other lot in any residential district.

Note: Mobile homes as defined in the Manufactured Housing Standards Act, Article 1201, Texas Occupations Code, shall not be used as dwelling units in the city.

2. Conditional uses. All conditional uses permitted in the R-1 single-family district.

3. Accessory uses. All accessory uses permitted in the R-1 single-family district.

4. Height regulations. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one (1) story, or twenty (20) feet in height.

5. Manufactured home park plan required. Application for the establishment of a manufactured home park shall be filed with the city secretary, or designee, and must be accompanied by a plat, drawn to scale and certified by a registered public surveyor,

civil engineer, landscape architect or architect. Fifteen (15) blue and black line copies of the plat shall be submitted to the city secretary at least fourteen (14) days prior to the planning and zoning commission meeting at which the plat is to be considered. The plat shall be drawn on a twenty-four (24) inch by thirty-six (36) inch sheet at a scale of one (1) inch = one hundred (100) feet unless a larger scale is authorized by the city. A scale of one (1) inch = two hundred (200) feet is the smallest scale to be permitted. The planning and zoning commission shall review the plat for the manufactured home park and submit a recommendation to the city council. The plat shall contain the following information:

- (a) Accurate dimensions of the proposed manufactured home park;
  - (b) All roads and approaches and the method of ingress and egress from public streets;
  - (c) Complete electric service installation, wire service outlets and lighting facilities all underground;
  - (d) Complete location of any natural gas facilities to serve the park;
  - (e) Complete layout of unit parking spaces and number of square feet therein, together with the dimensions;
  - (f) Location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, drain lines, leaching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with the mobile home park;
  - (g) Name and address of the owner and engineer, surveyor of [or] land planner;
  - (h) Proposed name of the park;
  - (i) A north point, scale of plat, and date of preparation;
  - (j) Contours at intervals of five (5) vertical feet; and
  - (k) Drainage plans for park.
6. Enlargement.

(a) Any enlargement or extension of any existing manufactured home park shall require application for a building permit as if it were a new establishment.

(b) Enlargement–Existing facilities to comply. No enlargement or extensions to any manufactured home park shall be permitted unless the existing facility is made to conform with all the requirements for new construction for such an establishment.

7. Minimum standards and requirements. Manufactured home parks shall be designed and maintained in accordance with the following requirements:

(a) Park area. The minimum manufactured home park shall be five (5) acres.

(b) Manufactured home lots–Minimum requirements.

(1) Area: 4,000 sq. ft.

(2) Width: 40 ft.

(3) Front yard: 20 ft.

(4) Rear yard: 20 ft.

(5) Side yard: 10 ft.

8. General requirements.

(a) Parking. All areas used for automobile access and parking shall comply with the applicable provisions of this article, provided that there shall be at least two (2) off-street parking spaces for each manufactured home lot, and one (1) additional space for each three (3) lots to accommodate guests.

(b) Entrance to manufactured home parks. No vehicular entrance to, or exit from, any manufactured home park, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.

(c) Landscaping–Unused areas. All areas not used for access, parking, circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped

strip of land not less than ten (10) feet in width shall be established and maintained within the mobile home park along the exterior boundaries.

(d) Screening. Screening shall be provided according to the following requirements:

(1) In the event that a manufactured home park backs or sides upon a residential, commercial, or industrial district, a solid masonry screening fence not less than six (6) feet in height shall be erected and maintained along the property line dividing the two (2) districts;

(2) A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the district; and

(3) No such screening fence shall be so erected as to obstruct the vision of motorists at alley, street or drive intersections.

(e) Access. Each manufactured home park shall abut a public street, and each manufactured home lot shall have direct access to a private interior street.

(f) Interior streets. The minimum roadway width of interior streets will comply with the subdivision regulations and current development standards for the city. Such streets shall be paved according to the city's specifications for residential streets and maintained in good condition and lighted at night.

(g) Distances between manufactured homes. The minimum distance between manufactured homes shall be not less than twenty (20) feet.

(h) Concrete slab. Each manufactured home lot shall be equipped with a concrete slab of sufficient size to support the wheels and front parking jack. Said slab shall have a minimum horizontal dimension of eight (8) by ten (10) feet and a minimum thickness of four (4) inches.

(i) Utilities. Each manufactured home unit shall be equipped with one (1) electrical outlet. Manufactured home units not equipped with water and sewer facilities shall be located no more than two hundred (200) feet from the community utility building which shall provide separate toilet and shower facilities for each sex. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.

- (j) Recreational areas. There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreational site or sites shall have a minimum area of at least eight (8) percent of the gross land area of the manufactured home park.
  - (k) Length of occupancy. No trailer or manufactured home shall remain in a manufactured home park for a period exceeding ten (10) days without connection to the permanent sanitary sewer system of the park.
  - (l) Recreational vehicles and boat storage. A storage area must be provided within each manufactured home park for the parking and storage of boats and recreational vehicles. Said storage area shall be of sufficient size to accommodate all boats and recreational vehicles in the mobile home park. Said storage area shall be screened with a six-foot solid fence of masonry or wooden construction.
9. Additional requirements. In addition to the foregoing, the city council may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such manufactured home park as it may deem necessary for the protection of adjacent properties and public interest.
10. After adoption of this Ordinance, no manufactured home may be sited in any zoning district in the city except the manufactured home park district. Provided, that where manufactured homes are sited on individual lots, not in a manufactured home park as of that date, the property owner may site not more than one time a newer manufactured home, provided the home meets HUD standards under this section.
11. Permits for manufactured homes. It shall be unlawful for any person to park, use or occupy a manufactured home on any tract of ground within the jurisdiction of the city or on any tract of ground using any city services of the city unless a written permit is secured from the authorized representative under the following procedure:
- (a) A permit is required for each manufactured home sited as allowed pursuant to this section.
  - (b) It shall be the responsibility of the owner of the property on which the manufactured home will be parked to see that no manufactured home is parked on his property for more than fifteen (15) days without a permit.

- (c) The parking permit sticker shall be displayed upon the right front corner of the manufactured home at all times it is in effect, or on a window near the right front corner.
- (d) A fee for the permit shall be in the amount established by city council per manufactured home space and it shall be valid until the manufactured home is moved from its manufactured home space.
- (e) The application for the permit shall contain the name of the manufactured home owner, his mailing address and a description of the manufactured home which shall include its model, size and serial number.
- (f) Any manufactured home subdivision operator or owner of property upon which a manufactured home is parked shall be held in violation of this article and subject to loss of license if he violates the requirements of this section.

12. Revocation, suspension of permits; penalty. The city council is hereby empowered to authorize any city employee to enter and inspect for health and sanitation purposes any facility licensed hereunder at any reasonable time and if, upon such inspection, it shall be found that the permit holder has violated any provision of this article, or any provision of any ordinance dealing with health and sanitation, or safety of the general public, a resident of a manufactured home or a resident of a manufactured home subdivision, the council shall have the power to revoke or suspend any license and notify the holder of such license of such violation and the suspension of the license. Unless such violations have been corrected within ten (10) days from such notice, the council shall have the power to revoke the license and discontinue all city services. Any permit holder who shall be in violation of any of the terms of this article shall be fined as prescribed in Section 1.01.009 of the Goliad Code of Ordinances.

13. Skirting required. All manufactured homes installed within the city limits, shall have skirting constructed of prefabricated metal, artificial material, or wood siding which conceals and encloses the undercarriage of the manufactured home. City utilities shall not be connected for the manufactured home until the skirting is installed, unless the owner of the manufactured home acknowledges in writing that the utilities will be connected on the condition that they will be automatically terminated by the city without further notice if the skirting is not installed within ten (10) days from the date of issuance of a permit by the city.

14. Maintenance. Every person owning or operating a manufactured home, or manufactured home park shall maintain such subdivision and any facilities, fixtures and

permanent equipment in connection therewith in a clean and sanitary condition and shall maintain the equipment in a state of good repair.

## **B. Recreational Vehicles and RV Park**

1. Purpose and scope. The purpose of this section is to establish clear and unambiguous regulations pertaining to recreational vehicles and recreational vehicle parks in the City of Goliad and to promote thereby an attractive community. Further, it is the purpose of this recreational vehicle (RV) park district to provide areas for the location of recreational vehicles (RVs) in an attractive, moderate density setting and insure the presence of amenities required for satisfactory quality of life in areas designated for recreational vehicle use. It is not the intent of this section to repeal any section of any ordinance regulating recreational vehicles.

2. Definitions. As used in this section the following terms shall have the meaning respectively assigned to them in this section:

- Agent. Any person authorized by the licensee of a recreational vehicle park to operate or maintain such park under the provisions of this section.
- Building official. The legally designated inspection authority of the city or his/her authorized representative.
- Certificate of occupancy. A certificate issued by the building official for the use of a building, structure and/or land when it is determined by him/her that the building, structure, and/or land complies with the provisions of all applicable city codes, ordinances, and regulations.
- City. City of Goliad, Goliad County, Texas.
- City administrator. The city administrator of the City of Goliad or his/her designee.
- City official. The legally designated head of a city department or his/her authorized representative when acting in an official capacity.
- City superintendent. The legally designated department head of the city's public works department or his/her authorized representative.
- Common access route. A private way which affords the principal means of access to individual sites or auxiliary buildings. Common access route when used as emergency vehicles access the materials and design shall meet minimum standards established by the city superintendent.
- Driveway. A minor entranceway of the common access route within the park into an off-street parking area serving no more than two (2) sites.
- Fire chief. The legally designated chief of the fire department of the city or his/her authorized representative.

- Hard-surface road. A traffic conduit made of asphalt, concrete road or other paving materials meeting the approval of the city superintendent.
- Internal RV park street. Same as "Common access route."
- License. A written license issued by the building official permitting a person to operate and maintain a recreational vehicle park under the provisions of this section and regulations issued hereunder.
- Licensee. Any person licensed to operate and maintain a recreational vehicle park under the provisions of this section.
- Pad. The paved parking area within the site, accommodating RV and auxiliary vehicle.
- Park. Recreational vehicle park.
- Person. Any natural individual, firm, trusts, partnership, association or corporation.
- Plot Plan. Graphic representation, drawn to scale, in a horizontal plane delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.
- Private street. Same as "Common access route."
- Recreational vehicle. A portable home designed as a temporary dwelling for travel and recreational and vacation uses. Such homes shall exceed 4,000 pounds in total weight and shall be licensable as a recreational vehicle whether or not its wheels, rollers, skids or other rolling equipment have been removed, and whether or not any addition thereto has been built on the ground; and shall also include pickup campers, converted buses, self- powered motor homes, tent trailers, tents and analogous temporary portable housing and accessory buildings.
- Recreational vehicle park. A contiguous parcel of land licensed or used in whole or in part, with or without charges, for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.
- Service building. A structure housing toilets, lavatories and such other facilities as may be required by this section.
- Site. A plot of ground within the park designed for the accommodation of one recreational vehicle together with such open space as required by this section. This term shall also include the terms lot, stand and site.
- Site plan. Same as "Plot plan."
- Tow vehicle. A vehicle used to tow a recreational vehicle, or a vehicle being towed by a recreational vehicle.
- Water connection. The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a recreational vehicle.

3. Permitted uses. Recreational vehicle placement, storage and residence; and public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses.
4. Conditional uses. All conditional uses permitted in the R-1 single-family district, as well as limited commercial uses as permitted through variance by the city council following a public hearing.
5. General requirements for Recreational Vehicle Parks. In addition to all other requirements as specified herein and in the City of Goliad Code of Ordinances, the following specific requirements relating to recreational vehicle parks are required:
  - a. Sites/Pads.
    1. No more than 10 camping unit sites per acre.
    2. Each parking space or pad shall be equipped with water, sewer and electrical hook-ups which shall conform to all applicable codes or ordinances of the city. This will not apply to late night arrivals parking 24 hours or less.
    3. Each recreational vehicle shall be placed at a separate stand provided for such units.
    4. No permanent structures, additions, add-ons, clotheslines, extra rooms or extra area, add-on storage space or any improvement shall be any time be added to a recreational vehicle located within the city limits of the city.
    5. Pad size within each site shall be adequate to allow for one (1) recreational vehicle and one (1) ancillary at each pad.
    6. A minimum separation and clearance shall be maintained between each unit, measured from the centerline of the pad of not less than 17.5 feet.
    7. For those pads abutting the property line, a ten (10) foot rear yard setback shall be observed.
  - b. Roadways/entranceways.
    1. All recreational vehicle park entrances shall be set back from the public street right-of-way not less than 100 feet to allow movement on the property without blocking or impeding traffic.
    2. All one-way arteries, internal RV park roads, should be a minimum of 15 feet in width and two-way arteries, internal RV park roads, should be a minimum of 20 feet in width.

3. Driving surface must adequately improve and compacted crushed road base material, asphalt, concrete or other paving material, adequate to support the weight of the recreational vehicle and not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.

4. At no time may the driveway or entranceway to a park be blocked, barricaded or secured in such a way as to prevent or impede access to the park by public services and emergency services vehicles.

5. It shall be the duty of any licensee hereunder to at all times initiate repairs as shall be necessary to ensure the continued use of the property and to keep same free from hazards, obstructions or circumstances which represent unnecessary or inappropriate visual obstruction. Failure to cause all necessary repairs to be made shall be a violation of this code.

6. The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

7. In addition, hereto, the proprietor of any park shall maintain upon the premises, in a convenient location, at least one handicap parking.

8. Separate driveway or single accessways shall be maintained off the required road for ingress and egress to each area or place reserved for a recreational vehicle.

9. Every driveway or public street accessway for recreational vehicles shall be sufficiently well lit so as to provide safe areas for ingress and egress.

c. Service buildings/facilities.

1. Service buildings shall be permanent structures complying with all applicable ordinances and statutes regulating electrical, plumbing, gas and mechanical installations.

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

3. Each park shall provide the following unisex toilet and shower facilities: One (1) toilet, lavatory or washbasin and shower or bathtub

for every fifty (50) sites with one (1) bathroom facility for each additional fifty (50) sites or fraction thereof.

4. All toilets, basins, showers and bathtubs shall be placed in properly constructed buildings. Such buildings shall be well lit and ventilated at all times. Openings shall be screened with wire of not less than fourteen (14) meshes to the square inch and shall be constructed of such moisture-proof material as to permit rapid and satisfactory cleaning, scouring, and washing. Floors shall be of concrete or some similar material and elevated not less than four inches (4") above grade. Each room shall be provided with floor drainage.

5. The park shall comply with HUD visit ability standards for the mobility impaired. The applicant shall show proof of compliance.

6. Each park shall have a common washer, dryer and laundry preparation area.

d. Garbage Receptacles

1. Each recreational vehicle park shall provide a minimum of one (1) dumpster for every fifty (50) sites with one (1) additional dumpster for each additional fifty (50) sites or fraction thereof.

2. The storage, collection and disposal of refuse in the recreational vehicle park shall be so conducted as to create no health hazards.

3. No garbage is allowed outside at individual sites.

4. A dumpster (fly tight, watertight, rodent-proof) or removable high-quantity trash collection facility or similar device shall be maintained in the park which shall be emptied and serviced at least twice per week. The dumpster or trash collection facility shall contain at least one square foot of space for each stand located within the park and shall be located in an area or location that is screened and secured by wood and/or brick fencing or architectural features. Each dumpster shall contain a minimum four-yard capacity and there shall be a minimum dumpster capacity equal to one yard of dumpster capacity per ten (10) stands within the park

e. Licensing and License Fees.

1. It shall be unlawful for any person to maintain or operate a recreational vehicle park within the corporate limits of the city unless such person shall first obtain a license.
2. The biannual license fee for each recreational vehicle park shall be in the amount established by city council.
3. The fee for transfer of license shall be in the amount established by city council.

f. Application for License

1. Application for recreational vehicle license shall be filed with the city administrator and upon the approval by the city council, the city administrator shall issue the license.
2. Applications shall be in writing signed by the applicant or a duly authorized officer or agent of applicant and shall contain at least the following:
  - The name and address of the applicant;
  - The location and legal description of the recreational vehicle park, a complete plan of the park drawn to scale;
  - Plans and specifications of all buildings and improvements constructed or to be constructed within the recreational vehicle park; and
  - Such further information as may be requested by the planning and zoning commission to enable it to determine if the recreational vehicle park will comply with legal requirements.
3. The owner of the park shall apply to the city council for licensure to operate said park. This license shall be in effect for a period of two (2) years following approval.
4. Licenses will be issued upon:
  - Completion of an application; and
  - Receipt of any fees as set annually by the city council; and
  - Satisfactory inspection of the site by the city; and
  - Action of the city council to approve the license.

5. Applications for licenses may be denied based on failure to comply with the requirements listed above, as well as any other applicable section of this article. Additionally, any park operating without a license may be subject to injunction against operation, cessation of city utilities and the city's limitation of ingress and egress across the city right-of-way following a hearing before the city council and the appropriate magisterial body.
- g. Location. Recreational vehicle parks may be located only in an area zoned for such use under the provisions of the city zoning ordinance.
  - h. Recreational vehicle park plan. The recreational vehicle park shall conform to the following requirements:
    - Drainage. In addition to the requirements as herein set out, it shall be necessary for any person seeking an RV park license hereunder to provide a drainage plan for the proposed park in a form and specifying such requirements as shall be from time to time designated and required by the city.
    - Contents and designations. Specific lots or tracts for each unit to be occupied by a stand in a park shall be appropriately designated on the plan and application for city RV park license including all common areas, required improvements, and layout. The application and/or plans submitted shall show the location and specifications for all required roadways and points of ingress and egress to and from all stands.
  - i. **Fire Protection**
    - (1) Extinguishers required. Every Park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy the fire code and other applicable regulations of the city.
    - (2) Open fires restricted. No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill, not meant to exclude approved communal campfire area designated by RV park.
    - (3) Emergency: vehicle clearance. All sites and any part of a recreational vehicle shall not exceed one hundred fifty (150) feet from the hard-surface streets.
    - (4) State legislation and regulations applicable. State and local regulations applicable to the handling of bottled, liquefied gas and fuel oil shall apply.

- (5) Storage and handling of flammable liquids. In parks in which gasoline, fuel oil, or other flammable liquids are stored or dispensed their handling and storage shall comply with the city fire code.
  - (6) Access to sites for firefighting. Approaches to all sites shall be kept clear for firefighting personnel and equipment. There is no parking of vehicles on internal RV park roads at any time.
  - (7) Firefighting instruction. The Park owner or agent shall be responsible for the instruction of his staff in the use of the park fire protection equipment and in their specific duties in the event of fire.
  - (8) Water supply facilities for fire department operations. Water supply facilities for fire department operations shall be connected to the city public water supply system.
  - (9) Fire hydrants. The park owner shall provide standard city-approved fire hydrants located within five hundred (500) feet of all sites, measured along the path of travel using driveways and/or streets. When fire hydrants are required the water mains and fire hydrants shall be dedicated to the city after construction of improvements is performed to the city engineering standards and approved by the city superintendent. The water mains and fire hydrants when located on private property shall be in a dedicated utility easement of the size set by the city superintendent adequate to service said lines and hydrants after all development has accrued.
  - (10) Proper notification supplied to emergency personnel. The owner or operator of all parks permitted hereunder shall maintain a person who shall be available for contact by the police, fire department and all other applicable emergency personnel 24 hours a day, 7 days a week. The designated contact person, plus the owner and/or operator of the park, shall be required to have posted in a conspicuous place in the office the location of the master shut-off valves for gas and electric utilities and such other disconnects as shall be appropriate or necessary in order to preserve the health, safety and well-being of the community. This emergency shut-off information and an RV park map, specifying site numbers and locations should be filed with local emergency services and fire department personnel in order to provide timely service to RV park guests. This must update at the time of any changes or at the time of license renewal, whichever occurs first.
  - (11) Dry vegetation. The park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.
- j. Supervision. The licensee or agent shall operate the park in compliance with this section and other applicable ordinances and shall provide adequate supervision

to maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.

- (1) Agent responsibility same as licensee. The attendant or caretaker shall be answerable with the licensee for the violation of any provision of this section to which the licensee is subject.
  - (2) Ensure notification. The licensee or agent shall notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities under this section.
  - (3) Registry: required. It shall be the duty of all owners or operators of a park to maintain all appropriate records so as to identify and locate park tenants. At a minimum, the licensee or agent shall maintain a register of park occupancy which shall contain at least the following information:
    - Name and address of park residents;
    - License number of recreational vehicle and/or tow vehicle;
    - Location of each recreational vehicle within the park by space or lot number; and
    - Dates of arrival and departure.
- k. Registry renewal and retention. A new register shall be initiated on January 1 of each year and the old register is retired, but the old register shall be retained on the premises for at least five (5) years following the retirement.
- l. Registry access to inspection. Registers shall be available for inspection at all reasonable times by an official of the city whose duties may necessitate access to the information contained therein.
- m. Inspection.
- (1) Authorized inspectors. The city administrator, the city superintendent and the fire chief are hereby authorized and directed to make such inspections as necessary to determine compliance with this section.
  - (2) Access of inspectors. The city administrator, city superintendent and the fire chief shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this section.
  - (3) Authority of inspectors. The city administrator, city superintendent and the fire chief have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the park.

n. Revocation of license.

- (1) Revocation proceeding. The city may conduct revocation proceedings by filing against the park and its operators in a court of competent jurisdiction.
- (2) City administrator's authority. The city administrator may revoke any license to maintain and operate a park, only when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this section.
- (3) Reinstatement. After such conviction, a new license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

o. Penalty. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Goliad, Texas, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense, except however, where a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law; and each and every day said violation is continued shall constitute a separate offense.

p. Exceptions. Notwithstanding any of the requirements of this section, if it be shown to the satisfaction of the planning and zoning commission, board of adjustment or city council, that any of the requirements if complied with would cause undue hardship on any applicant for a license hereunder or licensee hereunder, and that such requirement or requirements would not be for the best interest and general welfare of the City of Goliad and the citizens affected by this section, the city may waive such requirement or requirements after action on such exception by the city council.

q. General Provisions for the governance of RVs in non-RV-park areas. All recreational vehicles shall be limited to residential use and all occupied recreational vehicles shall be located in recreational vehicle parks unless maintained in a safe and orderly manner upon private property not precluded by zoning, deed restrictions or other protective covenants prohibiting, restricting, or limiting such use provided, however, a recreational vehicle occupied and parked upon any property in residential use where the recreational vehicle is visible from any public street shall not remain there for more than thirty (30) days total during any calendar year unless a special permit is obtained from the city. In any event, a

recreational vehicle shall not be parked on any street or right-of-way for the purpose of storage.

**Sec. 14.02.408 FP floodplain district**

(a) Floodplain prefix to district designation.

(1) The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under state law. Further public notice to all downstream property owners within the city with like FP zoning is required prior to any such zoning action.

(2) To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

(b) Permitted uses. In this district, no land shall be used except for one or more of the following permitted uses, to the extent that they are not prohibited by other regulations or ordinances, and provided that such uses do not require above-ground structures, filling or storage of material or equipment, except as herein specifically authorized.

(1) Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry

(2) Electrical substation.

(3) All types of local utilities, including, but not limited, to water distribution and waste water collection systems, water and wastewater treatment facilities and water quality/ monitoring stations or other structures required to provide water and sewage, telephone, gas and electrical services.

(4) Parks, community centers, playgrounds, public golf courses.

(5) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.

(6) Facilities that would warrant no flood protection, such as accessory private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.

- (7) Parking areas associated with a part of contiguous land use.
- (8) Recreational vehicle parks.

No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section. There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this article.

(c) Conditions for adding FP prefix designation. The city council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The city council shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

(d) Conditions for removal of FP prefix designation. The city council, in considering and determining its decision relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish, to the city, fill and development plans, and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the city engineer certifies information furnished is adequate for review and comment as required in this section.

#### **Sec. 14.02.409 H Historical Overlay**

In considering whether to recommend approval or disapproval of a certificate application to relocate a building, object or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the following considerations:

- The historic character and aesthetic interest the building, structure or object contributes to its present setting;
- Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- Whether the building, structure, or object can be moved without significant damage to its physical integrity;
- Whether the proposed relocation area is compatible with the historical and architectural character of the building, object, or structure.

- Balancing the contribution of the property to the character of the historic district with the special merit of the application.
- Should an application to relocate a building, object or structure be approved, the historic preservation officer shall ensure that the new location is already zoned historic or shall review whether such location should be designated.
- The historic preservation officer may approve applications for relocation for properties deemed noncontributing to the historic character of a historic district.

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### **Demolition.**

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of Goliad. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

### **Applicability.**

The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as historic exceptional or historic significant) or a historic district.

### **Historic Landmark.**

No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.

### **Entire Historic District.**

If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.

### **Property Located in Historic District and Contributing to District Although Not Designated a Landmark.**

No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to

prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided in subsection (c) in order to receive a certificate for demolition of the property.

**Unreasonable Economic Hardship.(1)**

**Generally.**

The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For all structures and property:

- The past and current use of the structures and property;
- The name and legal status (e.g., partnership, corporation) of the owners;
- The original purchase price of the structures and property;
- The assessed value of the structures and property according to the two (2) most recent tax assessments;
- The amount of real estate taxes on the structures and property for the previous two (2) years;
- The date of purchase or other acquisition of the structures and property;
- Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;
- All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
- Any listing of the structures and property for sale or rent, price asked and offers received;
- Any consideration given by the owner to profitable adaptive uses for the structures and property;
- Any replacement construction plans for proposed improvements on the site;

Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and

The current fair market value of the structure and property as determined by a qualified appraiser.

Any property tax exemptions claimed in the past five (5) years.

For income producing structures and property:

- Annual gross income from the structure and property for the previous two (2) years;
- Itemized operating and maintenance expenses for the previous two (2) years; and
- Annual cash flow, if any, for the previous two (2) years.

In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.

Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

### **Loss of Significance.**

When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition.

If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological

significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

**Documentation and Strategy.**

Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.

Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements set forth herein related to new construction, are met, and the property owner provides financial proof of his ability to complete the project.

When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.

**Issuance of Permit.**

When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

- 0—2,500 square feet = \$2,000.00
- 2,501—10,000 square feet = \$5,000.00
- 10,001—25,000 square feet = \$10,000.00
- 25,001—50,000 square feet = \$20,000.00
- Over 50,000 square feet = \$30,000.00

The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

### **Prevention of Demolition by Neglect.**

#### **Applicability.**

In keeping with the city's minimum housing standards, the owner, or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall preserve the historic landmark or structure against decay and deterioration and shall keep it free from any of the following defects:

- Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
- Deteriorated or inadequate foundation;
- Defective or deteriorated floor supports, or floor supports that are insufficient to carry the loads imposed safely.
- Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed safely;
- Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed safely;

- Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed safely;
- Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
- Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
- Any fault, defect, or condition in the structure which renders it Structurally unsafe or not properly watertight.

**Compliance.**

The owner or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in subsection (a) of this section. In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the city's minimum housing codes and ordinances.

**Enforcement.**

The historic preservation officer and the historic and design review commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

The historic and design review commission, on its own initiative, or the historic preservation officer may file a petition with code compliance requesting that the city proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.

**Penalties.**

A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City of Goliad in an amount not to exceed one thousand dollars (\$1,000.00) per day for each violation or an amount not to exceed ten dollars (\$10.00) per day for each violation if the property is the owner's lawful homestead. The City of Goliad may by order assess and recover any such civil penalties against a property owner at the time of an administrative hearing regarding the violations provided the property

owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements and, after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. The city clerk shall file with the district clerk of Goliad County a certified copy of any order issued under this subsection stating the amount and duration of the penalty. Any monies collected shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources.

A person who violates this article commits an offense. An offense under this article is a class C misdemeanor punishable as provided in the municipal ordinance of Goliad.

An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of all applicable city codes.

If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard, no application for a permit for a project on the property may be considered for a period of five (5) years from the date of demolition of the structure provided that the following have occurred prior to an order for demolition:

- The owner thereof has received two (2) or more notices of building neglect in violation of this and other city ordinances from the historic preservation officer and the director of development services, or their designees;
- At least two (2) municipal court cases have been filed in an attempt to enforce applicable provisions of the City Code.
- A verified consultation between the owner, historic preservation officer, and the director of development services has occurred.
- Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period, nor shall a parking lot for vehicles be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition.

#### **Treatment of Site Following Demolition.**

Following the demolition or removal of a historic landmark, a building, object or structure found eligible for landmark designation, or a building, object, or structure located in a historic district, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and seed the lot to prevent erosion and improve drainage, and (3) repair at his own expense any damage to public rights-of-way, including sidewalks, curbs and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

**Public Safety Hazards and Emergency Securing Measures.**

No structure designated a landmark or located within a historic district may be demolished in whole or in part as a hazard to public safety until the historic preservation officer has been notified by the appropriate municipal official that an order for such demolition is being prepared, and the historic preservation officer has had an opportunity to discuss with city officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

If emergency measures are undertaken, the city historic preservation officer shall meet with the municipal officials wishing to issue the order for demolition to review the condition of the structure and the development of plans for its rehabilitation. If after one (1) month no feasible scheme for the further protection of the structure has been developed, the historic and design review commission shall make a recommendation for an order for demolition. When applicable, a recommendation about the feasibility of rehabilitation shall be made by the historic and design review commission based upon a report from the city historic preservation officer and after consultation with the city attorney's office.

**Non-Contributing Structures.** Requests for determination of whether an object, building, structure or sign are contributing or non-contributing to a historic landmark or historic district shall be made on an application obtained from the historic preservation officer through the office of historic preservation. The historic preservation officer shall review the application for completeness and shall make a determination whether the subject of the application is contributing or non-contributing within thirty (30) days of deeming the application complete. The historic preservation officer shall retain, for such period as required under applicable record retention law, a written statement summarizing the reasons for the determination. The historic preservation officer may, at his or her discretion, present the application to the historic and design review commission for their recommendation.

**ARCHAEOLOGICAL SITES AND CEMETERIES**

*Or purposes of this division, the historic preservation officer may consult with the city archaeologist when evaluating or reviewing under any of the sections below.*

**Designated Archaeological Sites.** Designated archaeological sites shall be treated as any other exceptional or significant resource and shall be reviewed by the historic preservation office, in consultation with the city archaeologist and the historic and design review commission.

Owners of property containing designated archaeological sites are encouraged to educate the citizens of Goliad regarding archaeological components of the site and shall coordinate any efforts with the office of historic preservation.

**Inventoried Archaeological Sites.** Identified archeological sites will be reviewed by the historic preservation officer according to the procedures established in this section. Prior to the start or continuance of any activities that would disturb any previously identified archeological site within the city, including either a designated or inventoried site:

A study of the effect of the proposed activity on the site must be performed by a qualified professional archeologist engaged by the party proposing the activity.

Upon completion of the study, a written report of the results of the study must be provided to the historic preservation officer, who will have thirty (30) days from date of receipt of the report to issue written comments regarding the effect of the proposed activity on the site.

If, in the judgment of the historic preservation officer, the proposed activity will have no effect on the site, the historic preservation officer will issue a written order indicating same and the proposed activity may thenceforth proceed immediately.

If, in the judgment of the historic preservation officer, as expressed in written comments on the report, the proposed activity will have an effect or an adverse effect on the site, a treatment plan for the site must be developed by a qualified professional archeologist engaged by the party proposing the activity. If requested by that party, the historic preservation officer may, at the historic preservation officer's option, collaborate with the archeologist to produce the plan.

Upon completion the plan must be submitted in writing to the historic preservation officer and/or the HDRC, and the proposed activity may proceed as soon as a written order of approval of the plan is issued by the historic preservation officer or as soon as the HDRC approves the plan and a certificate of appropriateness indicating approval is issued by the historic preservation officer.

Upon completion of a survey, owners of property containing inventoried archaeological sites are encouraged to educate the citizens of San Antonio regarding archaeological components of the site and shall coordinate any efforts with the office of historic preservation.

**Sec. 14.02.410-14.02.450 Reserved**  
***CHAPTER- 4. Districts***

## Chapter 5: General Regulations

### Sec. 14.02.501 General Regulations

#### *CHAPTER- 5. General Regulations*

- A. Lot area shall be not less than seven thousand five (7,500) square feet for each dwelling or dwelling group have [having] three (3) dwelling units and not less than one thousand (1,000) square feet of lot area, in addition, for each additional dwelling unit over three (3) in number. A maximum of sixteen (16) units may be constructed per acre.
- B. Minimum building size shall be for one (1) bedroom unit-six hundred fifty (650) square feet; two (2) bedrooms- seven hundred eighty (780) square feet; three (3) bedrooms-nine hundred thirty (930) square feet.
- C. Nonresidential construction minimum building size and height shall be five hundred (500) square feet and not more than 30 feet in height.
- D. Masonry requirements shall mean any material authorized by the Building Code approved by the City

The schedule of district regulations notwithstanding, the exterior of additions and/or modifications to existing non-masonry single-family residential structures and accessory buildings to such structures may consist of materials consistent with the exterior of the existing structure

- E. Accessory building. The following regulations shall govern the location, size, and use of any accessory buildings:
- (1) No accessory building shall be erected in any required yard area as stipulated in this article, except as allowed in the following paragraphs.
  - (2) No accessory building shall be erected within ten (10) feet of any other building, except detached residential garages may be located within five (5) feet of the main dwelling, and except as the provisions of subsection (5) below are met.
  - (3) No detached residential garage or carport shall be erected or placed closer to any street, alley, or right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.
  - (4) No detached residential garage or carport shall be erected or placed within eight (8) feet from any side lot line.
  - (5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or

attached to the main building, but shall not encroach in any required front yard, and may not occupy more than thirty (30) percent of the rear yard.

- (6) No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, as provided in the applicable zoning district.
- (7) No accessory building shall be higher than the main building and in no case be in excess of eighteen (18) feet in height.
- (8) No accessory building shall be erected or placed within three (3) feet of any side or rear lot line and shall not encroach upon any easement.

F. **Projections of building, structures, and appurtenances into required yards.**

- (1) Open or lattice-enclosed fire escapes may project into a required yard not to exceed five (5) feet. The ordinary projections of chimney's pilasters shall be permitted by the city's building official when placed so as not to obstruct light and ventilation.
- (2) Terraces, balconies, decks, uncovered porches and ornamental features, which do not extend more than four (4) feet from the side wall line and being at least seven (7) feet above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least four (4) feet from any adjacent side lot line. Such features may not project onto a required front or rear yard more than eight (8) feet from the front or rear wall line.
- (3) An unenclosed porch containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed five (5) feet.
- (4) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed, except for necessary structural supports, and not less than five (5) feet from any side lot line.

G. **Parking, storage or use of major recreational equipment and vehicles.**

- (1) No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building, on a driveway, or in a required side or rear yard, except that such equipment may be parked anywhere on a residential premises not to exceed twenty-four (24) hours during loading or unloading.
- (2) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.
- (3) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches

(designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**Sec. 14.02.502 Parking Space Regulations**

***CHAPTER- 5. Regulations***

A. **Automobile Parking Place regulations.** Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

- (1) Except as otherwise provided in the [this] section, off-street parking spaces shall be provided as follows:

| Use of Building or Site |                            | Minimum Number of Parking Spaces Required |
|-------------------------|----------------------------|-------------------------------------------|
| Residential             |                            |                                           |
|                         | Single-family              | 2.0 per dwelling unit                     |
|                         | Two-family                 | 2.0 per dwelling unit                     |
|                         | Multifamily                | 2.5 per dwelling unit                     |
|                         | Efficiency and one bedroom | 1.5 per dwelling unit                     |
|                         | Two or more bedrooms       | 2.0 per dwelling unit                     |

## City of Goliad Chapter 14 Zoning Ordinance

|            |                              |                                                                                           |
|------------|------------------------------|-------------------------------------------------------------------------------------------|
| Commercial |                              |                                                                                           |
|            | Offices and banks            | 3.3 per 1,000 square feet gross floor area                                                |
|            | Clinics and doctors' offices | 5.0 per 1,000 square feet gross floor area                                                |
|            | General retail               | 4.0 per 1,000 square feet gross floor area                                                |
|            | Shopping centers             | 5.5 per 1,000 square feet gross floor area                                                |
|            | Carwash                      | 0.3 per employee, plus 1.0 for owner or manager, plus reservoir parking as provided below |
|            | Restaurants                  | 0.3 per seat                                                                              |

|                                           |                              |                                                               |
|-------------------------------------------|------------------------------|---------------------------------------------------------------|
|                                           | Hotels, motels               | 1.25 per rentable room plus 0.5 per employee on any one shift |
| Halls for meeting, dancing, social events |                              | 5.0 per 1,000 square feet gross floor area                    |
| Entertainment                             |                              |                                                               |
|                                           | Bowling alleys<br>Pool halls | 5.0 per 1,000 square feet gross floor area                    |
| Industrial                                |                              | 0.8 per employee on any one shift                             |
| Auditoriums and theaters                  |                              | 0.3 per seat                                                  |

## City of Goliad Chapter 14 Zoning Ordinance

|                                    |                                                                                                              |
|------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Churches (sanctuary)               | 1.0 per four seats                                                                                           |
| Churches (additional space)        | 1.0 per 1,000 square feet                                                                                    |
| Elementary and junior high schools | 1.0 per staff members                                                                                        |
| Hospitals                          | 1.2 per bed plus 1.0 per three staff members on any one shift                                                |
| Nursing homes                      | 1.0 per five beds plus 1.0 per two staffmembers on any one shift                                             |
| Wholesale storage and jobbing      | 1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking |

- (2) Off-street reservoir parking shall be provided for an automatically operated carwash equal to three (3) times the maximum capacity of the carwash, and for a manually operated carwash equal to six (6) times the maximum capacity of the carwash, for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time. The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off- street parking.
- (3) Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.
- (4) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time offloading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five (35) feet in length, twelve (12) feet in width, and fifteen (15) feet in height.
- (5) For the purpose of this subsection, one (1) parking stall shall be not less than one hundred seventy-five (175) square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where

attendants perform the act of parking in defined and adequate stalls then each such stall shall be considered a parking stall as required herein.

- (6) A driveway for access to any single parking space or to a parking lot shall be not less than eleven (11) feet in width nor more than thirty (30) feet in width at the property line along the street and shall be so located as to minimize traffic hazard and congestion.
- (7) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred (500) feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand (1,000) feet from such premises, except as otherwise provided in this subsection or other subsections of this article.
- (8) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that, where it is found by the board of adjustments, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the board of adjustments may reduce the total of number of parking stalls to be jointly provided.
- (9) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.
- (10) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.
- (11) In a case where existing off-street parking facilities have unused parking capacity, and where such facilities are open to the use of the public free of charge or at reasonable rates, the board of adjustments may reduce the parking space requirements for any use distance not more than eight hundred (800) feet from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.
- (12) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development, and where the board of adjustments has reasonable assurance that such development will be carried to completion and will, when completed, relieve the parking demand in an area within five hundred (500) feet thereof in some measure or in full measure, the board of adjustments may establish a reasonable time period within which any use or uses within such area shall provide required

space for parking stalls. Upon completion of all or a portion of such development, the provision of subsection (10) above may be applied by the board.

- (13) In a case where the customary mode of transportation of majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the board may reduce by an amount not to exceed fifty (50) percent the space required for parking stalls for such use.
- (14) In a case where it is clearly shown by the applicant, to the satisfaction of the board, that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the board may reduce such requirement.

B. Residential off-street parking.

- (1) Purpose. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the city.
- (2) Definitions and restrictions. It shall be illegal for any person to park, or to allow to be parked on any property under his control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned MH, R-1, R-3, or R6 under this article unless:
  - (A) Said area is a part of a hard-surfaced driveway or parking area;
  - (B) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border.
  - (C) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this article;
  - (D) Said area is part of a side yard which is enclosed by a screening fence at least six (6) feet in height and so constructed that no person can see through into the area surrounded by the fence;
  - (E) The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard-surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement that may be approved by

the building official.

(F) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than fifteen (15) percent of any residential front yard, except for front yards with a front footage width of less than seventy (70) feet, in which case the maximum width for a single driveway shall be eleven (11) feet;

(G) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than twenty-seven (27) percent of any residential front yard, provided that the maximum width of a driveway shall not exceed twenty-four (24) feet in any case and shall not exceed eighteen (18) feet for front yards with a front footage width of less than seventy (70) feet;

(H) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than thirty-three (33) percent of any residential front yard, provided that the maximum width of a driveway shall not exceed thirty (30) feet in any case, and shall not be permitted for front yards with a front footage width of less than eighty (80) feet. A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or Circular driveways used for turnarounds or through traffic shall not utilize more than thirty (30) percent of any residential front yards or corner side yards with a front footage of less than eighty (80) feet.

(J) Any change of Designated Zoning use shall require a variance request.

Sec. 14-02-503 - RESIDENTIAL LOT AND DIMENSION TABLE

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * Exception allowed for pre-existing lots of record.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| ** See regulations for location standards. Auxiliary building not allowed on RI designations. No auxiliary buildings allowed on R1 designations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| *** See the lot and building dimensions of Table for minimum setback standards on specific street classifications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| **** Subdivision recreation facilities provided for the primary use of the subdivision's residents and located on property with a single-family zoning category shall be exempt from the front setbacks of the lot and building dimensions Table.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Rules for Interpretation of the lot and building dimensions of Table                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Generally.</b> The requirements for the parameters set forth in columns (B) through (N), above, relate to the zoning district specified in the row under column (A), above. A dash (—) indicates that the requirement does not apply within the particular zoning district. Except for column (B), (C), (D), (M), and (N) or otherwise notated the dimensions specified in columns (B) through (N) are expressed in linear feet. The dimensions specified in columns (B), (C), (D), (M), and (N) are expressed in square feet or acres unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the lot layout, height and density/intensity standards (sections</p> |
| <p><b>Column (B) and (C):</b> Minimum lot size column (B) and maximum lot size column (C) applies only to Conventional Option, single-family detached developments. The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this section for minimum lot area.</p>                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Column (D):</b> The maximum density requirements (column (D)) are expressed in dwelling units per gross acre.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## City of Goliad Chapter 14 Zoning Ordinance

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column (E):</b> Frontage is defined as the distance where a property line is common with a street right-of-way line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Column (F):</b> Minimum lot width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Column (G):</b> Maximum lot widths apply only to detached single-family residential development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Column (J):</b> The side setback requirements in the "R-3," "R-5" and "R-6" districts may be reduced by variance request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Column (K):</b> Rear setback requirements shall not apply to any use in the "C-1," "C-zoning districts which abuts an alley or another structure within any of these districts. zoning district adjoining a platted subdivision zoned single-family residential use shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.                                                                                                                                                                                                                      |
| <b>Column (L): Height.</b> The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. All dimensions are in feet, provided however the first number refers to feet and the second number refers to stories. A "story" is that part of a building between the surface of a floor and the ceiling immediately above. Height is restricted when adjacent to a single-family residential use. |
| <b>Column (M):</b> Dimensions are in square footage. Additional square footage may be available if a specific use authorization is approved, in accordance with these provisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Column (N):</b> The aggregate square footage refers only to nonresidential square footage. Where residential uses are permitted, (1) the square footage of nonresidential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.                                                                                                                                                                                                             |
| <b>Note (1) Reserved</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## City of Goliad Chapter 14 Zoning Ordinance

**Note (2) - columns (J) and (K):** Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abutt a residential use or residential zoning district or the two districts are separated by a public right-of-way. The indicated setback would not apply if the subject property adjoins a residentially zoned property (single-family or multi-family) which is occupied by an existing nonresidential use such as a public or private use school, church, park and/or golf course.

**Note (3) -** Public and parochial school facilities and religious institutions whose primary activity is worship shall be exempt from the mandatory maximum front setback provision.

**Note (4) -** Single-family lot development within an "MF" multi-family zoning district shall meet the minimum lot requirements for an "R-3" zoning district.

**Note (5) -** Maximum front setback for commercial uses shall not apply to flag lots or properties with primary frontage on express ways and parkways.

**Note (6) -** For a lot with one hundred (100) feet or more of frontage along a public or private street the maximum front setback of twenty (20) feet in "MF- may be extended to ninety (90) feet provided that no parking or drives other than egress/ingress drives shall be located within twenty (20) feet of the front property line. For a lot with less than fifty (50) feet of frontage on a public street the front setback shall be at least twenty (20) feet and shall be measured from the point at which the lot first becomes wider than fifty (50) feet in width.

**Note (7) –** Reserved

**Note (8) -** When multi-family units (apartments) are developed in a non-multifamily zoning district as stand alone apartments the buildings and lot shall conform to the standards of development (setback, yards, buffer, landscaping, etc.) for one of the following "MF zoning districts. The specific district shall be determined by the density to which the apartments are being developed.

**Note (9) -** Site planning and architectural criteria for the "CBD" Downtown Zoning District shall be approved by The Main Street commission.

**Note (10)-** Buildings shall contain ground level fenestration (transparent windows and openings at street level) of not less than 30%. Parking areas for new buildings or structures shall be located behind the front façade of the principal use or principal building. For "C-1", parking shall be located behind the front facade of the principal use or principal building, provided that up to two (2) rows of parking may be located to the front of the principal use or principal building.

**Note (11) -** The maximum height of any portion of a commercial, office or multi-family zoning district located within fifty (50) linear feet of the property line of an established single-family residential use shall be limited to the maximum height of the single-family district. The height limit shall not apply where an abutting property is zoned single-family residential but not used for residential purposes, such as a church, school, park, or golf course, except the height limit shall apply to properties abutting a vacant property. The measurement of fifty (50) feet shall occur from the property line of the residential use to the structure in the zoning district subject to this subsection. MF shall be limited to thirty-five (25) feet and two and one-half (2½) stories where abutting single family residential uses.

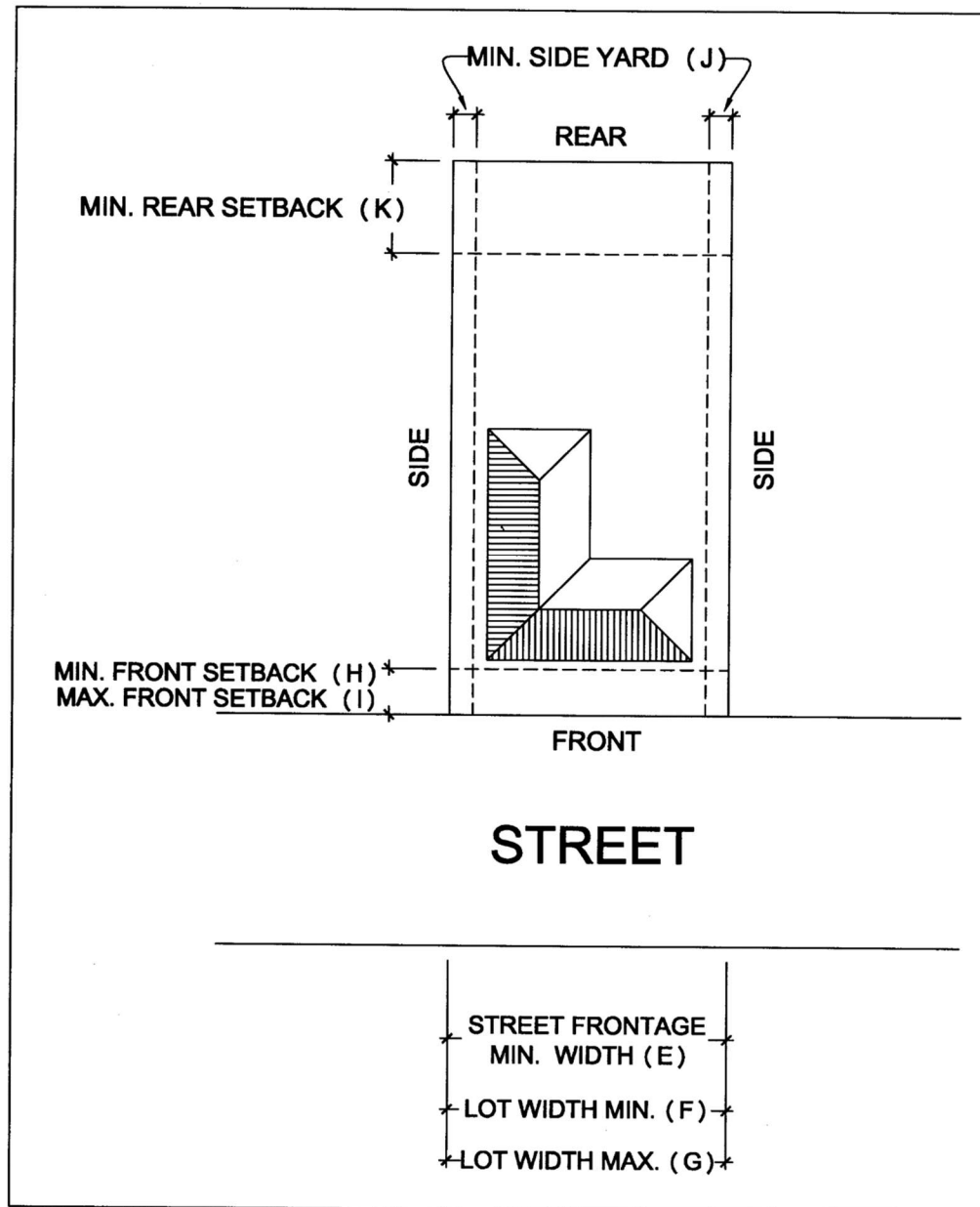
*For example, where a C-1 zoned property abuts single-family property with R-5 zoning, the C-1 property shall have a building height limited to thirty-five (25) feet or one and one-half (1½) stories for that portion of the property within fifty (50) feet of the property line with the R-5 district.*

**Note (12) -** Multi-family construction on lots one-third ( $\frac{1}{3}$ ) of an acre in size or smaller, and zoned MF, shall comply with the following: If a single-family use exists on an abutting lot which shares a side lot line, the minimum front setback shall be equal to the minimum front setback of the abutting lot. This setback shall not apply where a property is zoned single-family residential but not used for residential purposes, such as a church, school, park or golf course.

*For example, consider a new multi-family development is proposed on a qualifying MF-33 zoned property between a single-family use equivalent to R-3 or zoned as R-3, and another lot zoned MF that is non-single-family use. The minimum front setback for the MF lot would be ten (10) feet, equivalent to the R-3 minimum setback.*

**Note (13) -** Construction of two (2) to four (4) units on lots one-third ( $\frac{1}{3}$ ) of an acre in size or smaller, shall have a front entry oriented to the primary street in which the lot is addressed on. A front walkway from the door shall also be provided. These provisions shall only apply to the primary structure that abuts the primary street.

## TYPICAL SETBACKS AS INDICATED IN TABLE 310-1



Unless expressly permitted as an accessory use, a use permitted in the R3, R5 OR R6 districts must occur within a completely enclosed structure.

An application approval of a subdivision plat within the incorporated areas of the city must comply with the lot and building dimensions of Table attached below, where the proposed subdivision abuts an existing subdivision which was recorded and substantially developed as of the effective date of this chapter (hereinafter the "existing subdivision").

## **City of Goliad Chapter 14 Zoning Ordinance**

The lots abutting the existing subdivision ("buffer lots") must comply with the lot and building dimensions of Table for the MF zoning district and be at least one hundred (100) feet in depth (as measured from front lot line to the rear lot line) and comply with the minimum area requirements identified in the lot and building dimensions of Table Open space and passive recreation areas may be allowed on such required buffer lots provided, however, that no vehicular parking areas, driveways, or structures associated with such passive recreation shall be located within fifty (50) feet of the perimeter of the existing subdivision. No private or public street or ingress/egress easement shall be allowed or constructed within one hundred (100) feet of the perimeter of the existing subdivision.

### **Sec. 14.02.504-14.02.550 Reserved** ***CHAPTER- 5. Regulations***

## Chapter 6: Definitions

### Sec. 14.02.601 Definitions *CHAPTER- 6. Generally*

#### **Sec. 14.02.601 General**

For the purpose of this ordinance, certain words as used herein are defined as follows. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Accessory Structure, Building or Use. A building or use that is all of the following: a) constructed or located on the same property with the same zoning as the main building, or use served, except as may be specifically provided elsewhere in this Ordinance; b) clearly incidental to, subordinate in purpose to, and serving the principal use; and c) either in the same ownership as the principal structure, building or use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the principal use.

Administrative official. The city administrator, or other designated authority charged with the administration and enforcement of this article, or duly authorized representative.

Alley. A public minor way that is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

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

Apartment. Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three (3) or more apartments or dwelling units, or which is occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

Automobile Repair, major. Any area used for general repair, rebuilding or reconditioning of engines, motor vehicles, trailers; collision services, including body, frame or fender straightening or repair; paint shop; vehicle steam cleaning.

Automobile Repair, minor. Any area used for minor repair or replacement of parts, tires, tubes, batteries and minor motor services, such as, grease, oil, spark plug and filter changing of passenger cars and trucks not exceeding one and one-half ton capacity, but not including, any operation named under "Automobile repair, major" or any other similar use thereto.

Automobile sales area. An open area or lot used for the display or sale of automobiles, where no repair work is done.

**Automobile service station.** Any building and/or premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, including the servicing of vehicles designed or calculated to be performed by the customer.

**Basement.** A building story, the floor line of which is below grade at any entrance or exit but may have at least one half (1/2) of its height above the average level of the adjoining grade level.

**Bed and breakfast.** An establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis. The dwelling unit may not be a manufactured home. The dwelling unit may or may not be owner occupied and the dwelling unit may or may not contain a kitchen.

**Block.** That property abutting on one side of a street and lying between the nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

**Board of Adjustment.** The BOA reviews and makes recommendations of on an appeal of an Administrative Decision and Administrative Exception or Variance to a zoning decision

**Boarding/Rooming House.** A residential building or portion thereof, other than a motel, or hotel, which contains lodging rooms which that accommodate not more than 20 persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

**Building.** Any roofed structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

**Building height.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**Building line.** A line measured a distance specified by this ordinance from the front, rear, and side lot lines on which no building or structure may be erected.

**Building Official.** An agent of the City who inspects building construction for plan/permit compliance.

**Car wash.** A building, or port [part], where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

**Cemetery.** Land used, or intended to be used, for the burial of the human dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

## City of Goliad Chapter 14 Zoning Ordinance

Certificate of Occupancy. An official certificate issued by the city secretary which indicates conformance with, or approved conditional waiver from, the zoning regulations and authorized legal use of the premises for which it is issued.

City. The City of Goliad, Goliad County, Texas.

Clinic. A public or private, profit or nonprofit facility for the reception and treatment of outpatient persons, physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment care or similar service.

Club. A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club, Private (class I). An establishment or enterprise wherein activities are carried on by, or for a group or association, of dues-paying members organized for some common purpose.

Club, Private (class II). A club, as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission.

Community Center, Public. Any building and grounds owned and operated by the governmental body for the social, recreational, health and welfare of the community served.

Conditional use. Any building, structure, and use which complies with the applicable regulations and standard governing conditional uses of the zoning district in which such building, structure, and use is located, and for which a permit is granted.

Convalescent (rest) home. A home designed for the care of patients after they leave the hospital, but before they are released from observation and treatment.

Convenience store. See "Neighborhood convenience center."

Display Sign. A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including sign, billboard and advertising device of any kind.

District. A section of the City of Goliad for which the regulations governing the area, height, use of land and buildings and other regulations as defined by this ordinance are uniform.

Dwelling Group. A group or row of dwellings, each containing one (1) or more dwelling units, and all occupying one (1) lot or site, as defined herein, and having a court in common, including a bungalow court or apartment court, but not including an automobile court or automobile camp.

Dwelling unit. A room, or a group of rooms, including cooking accommodations, occupied by one (1) family and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at anyone (1) time.

## City of Goliad Chapter 14 Zoning Ordinance

Dwelling unit, multiple. A building containing three (3) or more dwelling units.

Dwelling unit, single family, attached. A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or abutting separate walls and is designed for occupancy by one (1) family, and is on a separate lot delineated by front, rear and side lot lines.

Dwelling unit, single-family, detached. A building containing one (1) dwelling unit, and located on a lot or separate building tract, and having no physical connection to a building on any other lot.

Dwelling unit, two-family . A building containing two (2) dwelling units.

Easement. An interest in land granted to the City or other governmental entity, to the public generally, and/or to a private utility corporation.

Family. One (1) or more persons, related by blood, marriage, or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boarding house, club, dormitory, fraternity, or sorority house.

Flood Plain. The relatively flat, lowlands adjoining the channel of a river, stream or watercourse that has been, or may be, covered by floodwater. Any land covered by the water of a one-hundred-year frequency storm is considered in the floodplain and must comply with the Corps of Engineers requirements.

Frontage. All the property abutting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts. Where a lot abuts more than one (1) street, the planning and zoning commission shall determine the frontage for purposes of this article.

Garage, Private. An accessory building, or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles, not more than two (2) of which are owned by others than the occupants of the main building.

Garage, Repair. 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.

Gross floor area. The living area of a building, including the walls thereof, but excluding all porches, open breezeways, and garages.

Home Occupation. Any occupation, customarily conducted for gain or support, entirely within a dwelling, by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof.

Hotel. A building, or portion thereof, in which ten (10) or more guest rooms are provided for occupancy for compensation by transient guests.

## City of Goliad Chapter 14 Zoning Ordinance

**Industry.** The storage, repair, manufacture, preparation or treatment of any article, substance, or commodity.

**Junk and or salvage yard.** Any area used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

**Kennel.** Any structure or premises on which more than three (3) dogs, over six (6) months of age and/or more than one (1) litter, are kept.

**Land use plan.** The long-range plan for the desirable use of land in the city, as officially adopted, and as amended from time to time, by the city council; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes, such as, streets, parks, schools and public buildings.

**Loading Space.** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access.

**Lot.** The entire parcel of platted land occupied, or to be occupied, by a main building and its accessory buildings, or by a group, such as, a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefore by this article and other applicable law.

**Lot, corner.** A lot abutting on two (2) intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

**Lot coverage.** The total area of a lot occupied by the base (first story of [or] floor) of buildings located on the lot.

**Lot depth.** The average depth from the front line of the lot to the rear line of the lot.

**Lot, interior.** A lot other than a corner lot.

**Lot lines.** The property lines bounding the lot as defined herein.

**Lot of-record.** A lot that is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Goliad County, or a parcel of land, the deed for which was recorded in the office of the county clerk, Goliad County, prior to January 1, 1986.

**Lot through.** A lot having its front and rear lines on different streets or having its front or rear line on a street and the other line on a river, lake, creek, or other permanent body of water.

**Lot width.** The width measured at a distance back from the front line equal to the minimum

depth required for a front yard.

Manufactured home, HUD-code. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. References in this article to "mobile home(s)" shall be taken to be references to HUD-code manufactured home(s).

Mobile home. A structure similar to a Manufacture Home but constructed prior to June 15, 1976. *See* "Manufactured home, HUD-code." Mobile homes, as defined in the Manufactured Housing Standards Act, article 5221[, section 3(a), V.T.C.S., shall not be used as dwelling units within the corporate limits of the city.

Manufactured home lot. That part of a parcel of land in a manufactured home park that has been reserved for the placement of one (1) HUD-code manufactured home.

Manufactured home park or subdivision. A parcel of land which has been developed for rental or sale of lots to persons with HUD-code manufactured homes.

Modular home. A dwelling that is constructed in one (1) or more modules, at a location other than the homesite, or is constructed utilizing one (1) or more modular components, and which is designed to be used as a permanent residence when the modular components or modules are transported to the homesite and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems.

Motel. A building, or a group of two (2) or more buildings, containing guest rooms or apartments, with automobile storage space provided in connection therewith, and used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor lodges, motor courts, motels, and similarly designated groups.

Neighborhood convenience center. Centers that carry convenience goods, such as groceries, drugs, hardware, and some variety items, and includes some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. 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.

Nonconforming use. Use of a building or land, which existed previously, that does not conform to the present regulations as to use for the district in which it is situated.

Nursing home. A structure or building where ill or elderly people are provided with

lodging and meals, with or without nursing care.

Open space. That part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles or drives or approaches to and from parking areas Floodplains, or fifty (50) percent of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot, and is maintained and utilized in the same manner and to the same degree as all other open space areas, as designated on the site plan as filed with the building permit application.

Parking area, Private. A permanently surfaced, open area for the same uses as a private garage.

Parking area, Public. A permanently surfaced, open area, other than a street, or other public way, used for parking of automobiles, and available to the public for a fee, free, or as an accommodation for clients or customers.

Parking Space. A permanently surfaced area not less than one hundred eighty (180) square feet (measured approximately nine (9) feet by twenty (20) feet), either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one (1) vehicle.

Private garage. An accessory building, housing vehicles owned and used by the occupant of the main building.

Recreational vehicle. A vehicular, portable structure designed to be transported over the highways, and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight (8) feet in width.

Satellite dishes. A device used to receive any satellite signal.

School. An institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools.

School, business, or trade. A business organized to operate for a profit and offering instruction and training in a service or art, such as, a secretarial school, barber college, beauty school or commercial art school.

Screening element or suitably screened. As herein referred, shall mean any of the following:

- (1) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type of material, the vertical surface of which is not more than thirty (30) percent open.
- (2) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or

## City of Goliad Chapter 14 Zoning Ordinance

- (3) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Shopping center. A grouping of retail business and service uses on a single site with common parking facilities.

Store. That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations if the vertical distance from grade to the ceiling is more than seven (7) feet.

Story, half. The topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street. A public or private thoroughfare that affords the principal means of access to abutting property.

Structural alteration. Any change, addition, or modification in construction in the supporting members of a building, such as, exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Towers, radio, television, or microwave. Structures supporting commercial antennae for transmitting or receiving any of the radio spectrum (includes structures used for satellite dishes).

Townhouse or row house. Three (3) or more dwelling units attached by common vertical walls.

Trailer (including automobile trailer and trailer coach). Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer Park. An area designed, arranged, or used for the parking or storing of six (6) or more auto trailer or trailer coach which are occupied or intended for occupancy as living quarters by individuals or families.

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.

Used car lot. A lot or tract of land used for the sale, or display for sale, of two (2) or more

previously owned motor vehicles, including, but not limited to, passenger automobiles, motorcycles, trucks, dune buggies and other types of motor vehicles designed for use upon the public roads or for pleasure off public roads, but not including farm implements, mobile homes, campers and recreational vehicles, or construction equipment, such as, cranes, bulldozers and related equipment and trucks over one ton capacity.

Variance. A modification of the regulations of this article granted by the board of adjustment after finding that the literal application of the provisions of this article would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. A financial hardship is not considered hardship under this definition.

Vehicle service center. A center for the repair and maintenance of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

Yard. An open space, other than a court, on the same lot with a building.

Yard, Front. A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts when such line is shown on the official map or is otherwise established.

Yard, rear. A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, side. A yard between the sideline of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said sideline and the main building.

Zoning Map. The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance.

**Sec. 14.02.601-14.02.650 Reserved**

***CHAPTER- 6. Definitions***