

CITY OF GATESVILLE
PROGRESSIVE ZONING ORDINANCE
(OCTOBER 10, 1995)

ZONING REGULATIONS

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SECTION 1

PURPOSE AND INTENT

SECTION 1-1 SHORT TITLE

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

SECTION 1-2 PURPOSE

The zoning regulations published herein have been prepared for the following purposes:

- A. To promote the health, safety, comfort and general welfare of the citizens of the City of Gatesville by lessening congestion in the streets, providing a higher degree of safety from fire, panic, and other dangers, preventing over crowding and undue concentration of populations, and to facilitate provision of transportation, schools, parks, and public utilities; and
- B. To promulgate fair and uniform guidelines for accomplishing the above; and
- C. To provide implementing instructions for applying and administering these guidelines.

SECTION 1-3 SCOPE

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way impair or interfere with existing provisions of other laws or ordinances, except as the same may be specifically repealed by the terms of this ordinance, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement.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

SECTION 2

DEFINITIONS

SECTION 2-1 GENERAL RULES

For the purpose of this ordinance certain terms and words are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular. The word "shall" is mandatory, and not directory. The word "structure", includes the word "building." The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot," "parcel" or "tract" as used in their common meanings. Words not defined herein shall have the common meanings ascribed to them by usage unless other means are clear from their context of use.

SECTION 2-2 ADMINISTRATIVE DEFINITIONS

ALLEY

A public right-of-way which affords only a secondary means of access to abutting property.

BOARD

The Board of Adjustments of the City of Gatesville.

BUILDING OFFICIAL

The person charged with the enforcement of the zoning and building codes of the City. See "Code Enforcement Officer."

CODE ENFORCEMENT OFFICER

The person licensed by the Texas Department of Health to enforce the codes and ordinances of the City.

COMMISSION

The Planning and Zoning Commission of the City of Gatesville.

COUNCIL

The City Council of the City of Gatesville.

DEVELOPMENT CONTROLS

All or any part of those regulations that establish minimum yards, set-backs, or open space; limit height, or location of buildings or other structures; or regulate the placement or operation of facilities or equipment.

INTERPRETATION

A determination of the meaning of zoning controls or their application, or a determination of

the location of zoning district boundaries, expressed as a Board of Adjustment ruling which becomes a permanent guide in the enforcement of the Zoning Ordinance.

NON-CONFORMING LOT

A parcel, site or tract of land which does not meet the minimum lot requirements for the district in which it is located, which lot was legally created prior to the effective date of the applicable zoning ordinance.

NON-CONFORMING STRUCTURE

A building, wall, fence, tower, sign, or other similarly created object which does not meet the type, size, height or location limitations of the district in which it is located, which structure was legally existing prior to the effective date of the applicable zoning ordinance.

NON-CONFORMING USE

A use of land or structure which is not authorized in the district in which such use or activity is conducted, which use was legally existing or in operation under other laws of the State or codes of the City of Gatesville prior to the effective date of the applicable zoning regulations.

SPECIAL EXCEPTIONS

A privileged use or development of property which would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, size, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the community.

VARIANCE

A privileged relaxation of the Development Controls provisions of this Ordinance where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship and would prevent the substantial enjoyment of property rights as shared by nearby properties which conform to the Development Controls.

YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, EXTERIOR

Exterior yard shall be that part of the lot between the lot line and the building line. For exterior lots, the exterior yard will correspond to the front yard. On corner lots, the exterior yard shall consist of both the front and side yards. A full depth exterior yard shall be constructed as the side yard of a corner lot extending the full depth of the lot front to back.

Exterior yards of through lots shall consist of the yards between the lot lines and set back lines at both ends of the lot.

YARD, FRONT

A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE

A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building.

YARD, SPECIAL

A yard behind any required yard adjacent to a public street, required to perform the same function as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly apply.

ZERO LOT-LINE

A side lot line of a lot on which a structure is permitted to be located all the way to the edge of the lot; that is the side yard width is zero. May or may not be common wall construction.

ZONING OFFICIAL

The person duly designated to administer the provisions of this ordinance (See Code Enforcement Officer).

ZONING DISTRICT 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.

SECTION 2-3 GENERAL DEFINITIONS

For the purposes of these rules and regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for."

ACCESSORY BUILDING OR USE

A subordinate building having a use customarily incidental to and located on the property occupied by the main building; or a use customarily incidental to the main use of the property.

A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the Main building, or is under an extension of the main roof and designed as an integral part of the main building.

AMUSEMENT CENTER

A public place of business making use of three (3) or more coin operated amusement machines, devices, or apparatus, excluding pool or billiard tables, operated by insertion of coin or similar object, for the purpose of entertainment or skill.

AMUSEMENT, COMMERCIAL (INDOORS)

An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the boundary line of the property and including, but not limited to, a bowling alley or billiard parlor.

AMUSEMENT, COMMERCIAL (OUTDOORS)

Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range and miniature golf course.

APARTMENT

A room or set of rooms set up for housekeeping and used as a dwelling.

APARTMENT BUILDING

A structure containing more than one residential unit.

APARTMENT, GARAGE

A dwelling unit designed or constructed as a part of a private garage.

APARTMENT, HOTEL

An apartment house which furnishes for the use of its tenant's service ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

ART GALLERY OR MUSEUM

An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

ATMOSPHERIC POLLUTION

The discharging of stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as defined by the Texas Air Quality Act.

AUTOMOBILE AND TRAILER SALES AREA

An area other than a street, used for the display, sale or rental of new or used automobiles, trucks or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvage parts.

AUTO WRECKING

See Wrecking or Auto Salvage Yard.

BACKGROUND NOISE

Noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.

BILLBOARD (OUTDOOR ADVERTISING SIGN)

Any advertising structure, bearing a sign, which structure is erected upon the ground or on a building, or any sign attached or painted on a building, which sign is neither appurtenant to the use of the property or a product sold thereon, not to the sale or lease of the property on which displayed, and which does not fall within the definition of a Business Identification Sign.

BOARDING HOUSE OR ROOMING HOUSE

A building, other than a hotel, where lodging and/or means for five or more persons are provided for compensation, pursuant to previous arrangements for definite periods, but not to the public or transient.

BUILDING

Any structure built for the support, shelter, and enclosure or protection of persons, animals, chattels, or moveable property of any kind.

BUILDING ENDS

Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building

BUILDING, HEIGHT OF

The vertical distance from the grade 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, bin and gambrel roofs.

BUILDING LINE

A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

CARPORT

A structure which has a roof supported by columns of wood, metal rock or brick used to protect vehicles or boats from the elements. District development controls must be met for each yard.

CAR WASH

A building designed to be used for cleaning vehicles, either automatic or manual. May be installed at other vehicle type service establishments such as service stations or oil change facility as an accessory use as long as the Industrial Waste Ordinance is complied with.

CLINIC

A building which a group of physicians, dentists, and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured out-patients. A clinic may include a dental or medical laboratory or a dispensing apothecary.

CLUB OR LODGE

A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

COMMUNITY CENTER

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

COMMUNITY HOME

A community based residential home operated by either State, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded.

CONDOMINIUM

The same as an apartment except that the tenant has the option of obtaining title of ownership of the dwelling space and physical interior of the dwelling space. The building's owner retains title to the building frame, the building physical exterior, and all physical service facilities and ways of the building which are not part of the physical interior described above, and the land on which the building is located. Restrictive covenants insure that the functional and environmental conditions of the interior of each dwelling unit are maintained to the extent that the value of all the other dwelling units in the same building is protected.

CONVALESCENT HOME

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

COURT

An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is court having one side open to a street, alley, yard or other permanent space.

COVERAGE

The percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of two (2) feet from the walls of a building shall be excluded from coverage computations.

CUSTOMARILY INCIDENTAL USE

A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

DAY CARE CENTER

An agency at which four or more children, under age sixteen and not related to the proprietor, are left for care a part of the twenty-four hours of the day.

DISTRICT

A Zoning District; a section of the City for which the requirements governing the area, height, and use of buildings and land are uniform.

DRIVE-IN RESTAURANT

Any eating establishment which either serves food to occupants of parked automobiles or offers facilities that would encourage patrons to eat in parked vehicles.

DUPLEX

An apartment building containing two and only two dwelling units.

DWELLING UNIT

One or more rooms connected together but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by one family, with all necessary facilities contained therein for sleeping, eating, cooking and sanitation.

DWELLING

Any building or portion thereof which is designed for or used for residential purposes.

DWELLING, DOUBLEWIDE MOBILE HOME

A building completely assembled in two sections at the factory and designed to be transported and joined together at the building site, on a permanent foundation, with all utility connections that are available. Designed, built, and installed in accordance with all federal, state, and local laws, regulations, and ordinances.

DWELLING, MOBIL HOME

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, which arrives at the site where it is to be occupied, completed and ready for occupancy other than for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and which meets the requirements of American Standards Association Code Provision A-119.1--1963, American Standard for Installation in Mobile Homes of Electrical, Heating and Plumbing Systems, or Mobile Homes Manufacturers Association "Mobile Home Standards for Plumbing, Heating and Electrical System" or any state administered code insuring equal or better plumbing, heating or electrical installations.

DWELLING, MODULAR HOME

A building prefabricated at the factory and designed to be transported in room size sections, with all plumbing and electrical installed so that sections can be joined together at the building site to form a finished product.

DWELLING, SINGLE FAMILY

A building designed for or occupied exclusively by one (1) family. Which may be a modular home or a home fully constructed upon the premises where it is located." So that the definition of a single-family dwelling shall hereafter be:

A building designed for or occupied exclusively by one family which may be a modular home or a fully constructed upon the premises where it is located."

(Ord. No. 98-04) October 13, 1998

FAMILY

One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost sharing basis.

FAMILY HOME

A home that provides care for persons who have mental and/or physical impairments which substantially limit one or more major life activities.

FLOOR AREA

The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages; also called living area.

FLOOR AREA RATIO (FAR)

The ratio between the total square feet of floor area in a structure and the total square feet of land within the lot or tract on which the structure is located.

FRONTAGE, BLOCK

All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE

An accessory building for private storage of motor vehicles.

GARAGE, PUBLIC

A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

GREEN HOUSE

A building or portion thereof designed or used for the sale of plant material, and the incidental sale of material and products intended chiefly for use with home gardening activities.

GYM - PRIVATE OWNED

A building designated to be used for athletic body conditioning or specialized training for athletic, self defense or similar type events. Either associated with a private club or open to the public.

HOME OCCUPATION

Any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on wholly within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining properties to the neighborhood as a whole.

Customary home occupations shall not include barber shops, beauty shops, carpenters, electricians, or plumbers' shops, radio shops, tin-painting, furniture repairing, sign painting, or any form of merchandising activity.

HOTEL

A building in which lodging or boarding is provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging-house, or an apartment.

INFRASTRUCTURE

For the purpose of these regulations, infrastructure shall refer to the basic installations and facilities on which the continuance and growth of the community depends such as streets, roads, schools, transportation systems, communications systems and basic utilities such as water, sewer, gas and power.

JUNK

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

KINDERGARTEN

A school for children of pre-elementary school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

LOADING SPACE

A space within the main building or on the same lot there-with, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve by thirty-five feet (12' X 35') and a vertical clearance of at least fourteen feet (14').

LOT

A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building together with its accessory building(s), the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

LOT DEPTH

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

LOT WIDTH

Width of a lot at the front building line.

MINI-WAREHOUSE

A building with individual units not to exceed 576 square feet per unit, for rent to the general public for storage of personal possessions.

MOBILE HOME

See Dwelling, Mobile Home

MOBILE HOME PARK

Any plot of ground which two or more MOBILE homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

MOBIL HOME SPACE

A plot of ground within a mobile home park designed for the accommodation of one mobile home.

MODULAR BUILDING

Manufactured, room size, structures completely wired, plumbed, and finished at the factory designed to be moved to a permanent location and fitted together to become a complete unit.

OIL CHANGE-LUBRICATION FACILITY

see Service Station

OUTDOOR ADVERTISING SIGN

See Billboard.

PARKING SPACE, OFF-STREET

An area adequate for parking an automobile with room for opening doors on both sides, together with maneuvering room and with properly related access to a public street or alley.

PLANT NURSERY - see Greenhouse.

PORTABLE BUILDING

A prefabricated building designed to be transported to a permanent site to be used for non-residential purposes. Must be connected to all available utilities and placed on a permanent foundation if use is for any commercial establishment.

POST OFFICE

Governmental use only.

PRIVATE CLUB OR LODGE

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

RESIDENTIAL STRUCTURE

Any structure containing one or more dwelling units and their accessories.

RECREATIONAL AREA

An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

RECREATIONAL VEHICLE

A vehicular type unit primarily designed as temporary living quarters for a recreational camping or travel use that either has its own motive power or is mounted on or towed by another vehicle. The basic entitles are travel trailers, camping trailers, truck campers, and motor homes.

RIDING TRACK

A track specifically for pleasure riding of horses or mules, private or for hire, but expressly not meant for commercial racing of these animals.

ROOF OVERHANGS

Roof overhangs (non-supported) are permitted to extend over district setback requirements no more than 48". No roof overhang shall be less than 24" from property lines.

SALE

The word sale, as used herein, shall mean sales at both wholesale and retail unless specifically stated otherwise.

SCREENING DEVICE

A structure such as a fence or wall not less than six (6) feet high or greater than eight (8) feet high which serves as a visual screen. A structure in excess of eight (8) feet in height shall be deemed a wall and shall be subject to the provisions of the Building Code of the City.

SERVANT QUARTERS

An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

SERVICE STATION

A business establishment whose service includes; but not limited to, dispensing fuel for automobiles and trucks, lubrication, oil changing, washing, convenience food sales, minor repairs, and tire service.

SMALL ANIMAL CLINIC

An establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed, soundproofed and air-conditioned structure and not using any yard or open space for the activities defined.

STABLE PRIVATE

A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, RIDING

A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding or for hire, including a riding track.

STORAGE BUILDING

A storage may be installed or constructed only in rear yards and must meet setback requirements of the district in which they are installed.

STORY

That portion of a building, other than cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet (4') above the floor of such story, except that any partial story used for residence purposes other than by a family occupying the floor immediately below it, shall be deemed a full story.

STREET

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

STREET LINE

A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURE

Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls. No structure or portion of structure shall be over 30' above ground level.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

THEATER OR THEATERS

As used herein, shall include all forms, types and kinds of entertainment and recreation, as set forth herein, without regard to whether same be referred to as, or called by name, "theater", "theatrical, "club", "night club", "show", "exhibition", "performance," "production," "entertainment", "recreation," or by some other name of designation, as it is the legislative purpose and intent of the City Council of the City of Gatesville, Texas to look to the substance rather than the form or name, of the activity, or activities to be carried out in the future, by the applicant or applicants, seeking the change in zoning, in connection with a request seeking such a zoning change, and in the City Council's consideration of and for such zoning change request, and in the City Council's approval or denial of such zoning change, as the case may be.

TRAVEL TRAILER

See recreational vehicle.

USED CAR LOT

A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles or the storage of automobile parts.

VARIANCE

A modification or variation of the provisions of this ordinance, as applied to a specific piece of property as distinct from rezoning.

VETERINARY HOSPITAL

An establishment for the care and medical treatment of large animals and domestic household pets having treatment and boarding facilities both in an enclosed building and outside pens or runs enclosed by permanent type of fencing.

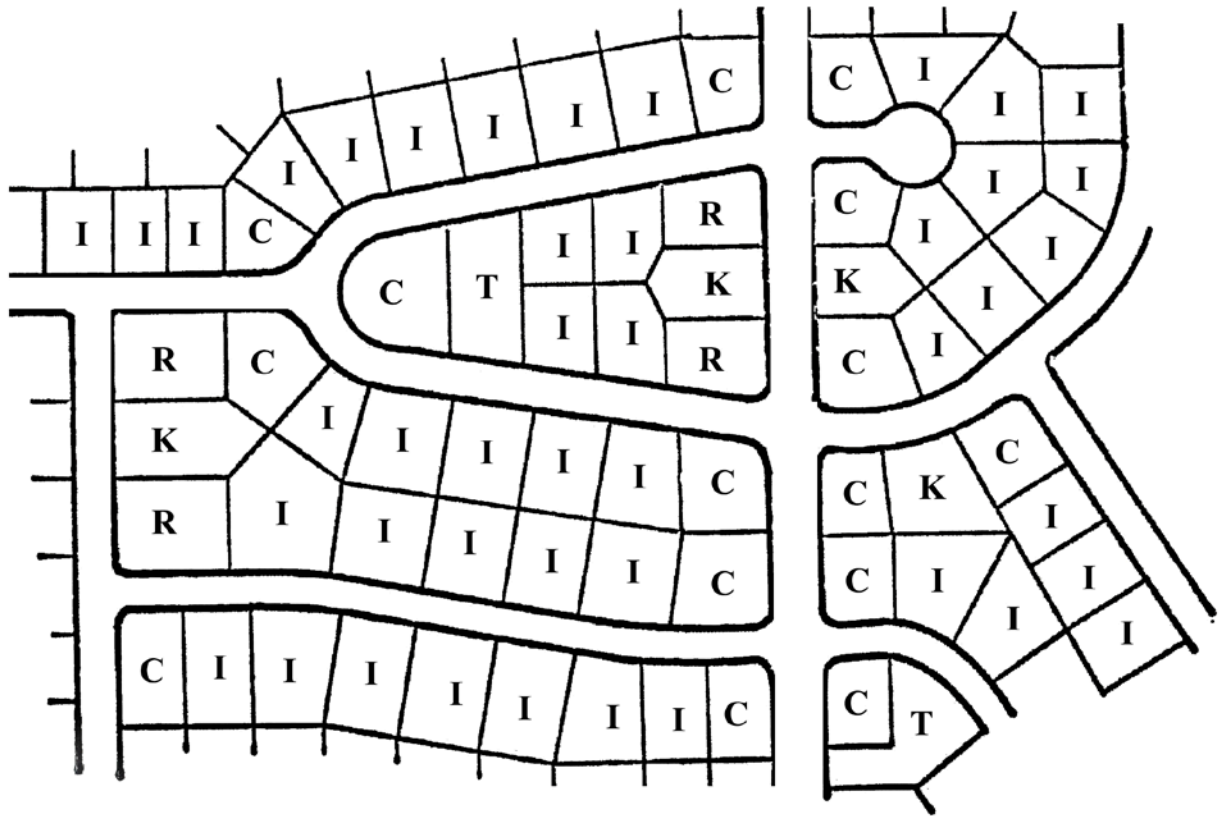
WAREHOUSE

A building used for storage purposes generally by commercial or industrial businesses for storage of their business-related merchandise, equipment or fixtures.

WRECKING OR AUTO SALVAGE YARD

A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units or salvaged parts or as processed metal.

FIGURE I
LOT TYPES



DEFINITIONS

C - CORNER LOT

A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

I - INTERIOR LOT

A lot other than a corner lot having only one frontage on a street.

K - KEY LOT

An interior lot so situated that it fronts onto the side street of an adjoining corner lot and so that the side line of the key lot is the rear line of the corner lot which abuts the same street.

R - REVERSE FRONTAGE LOT

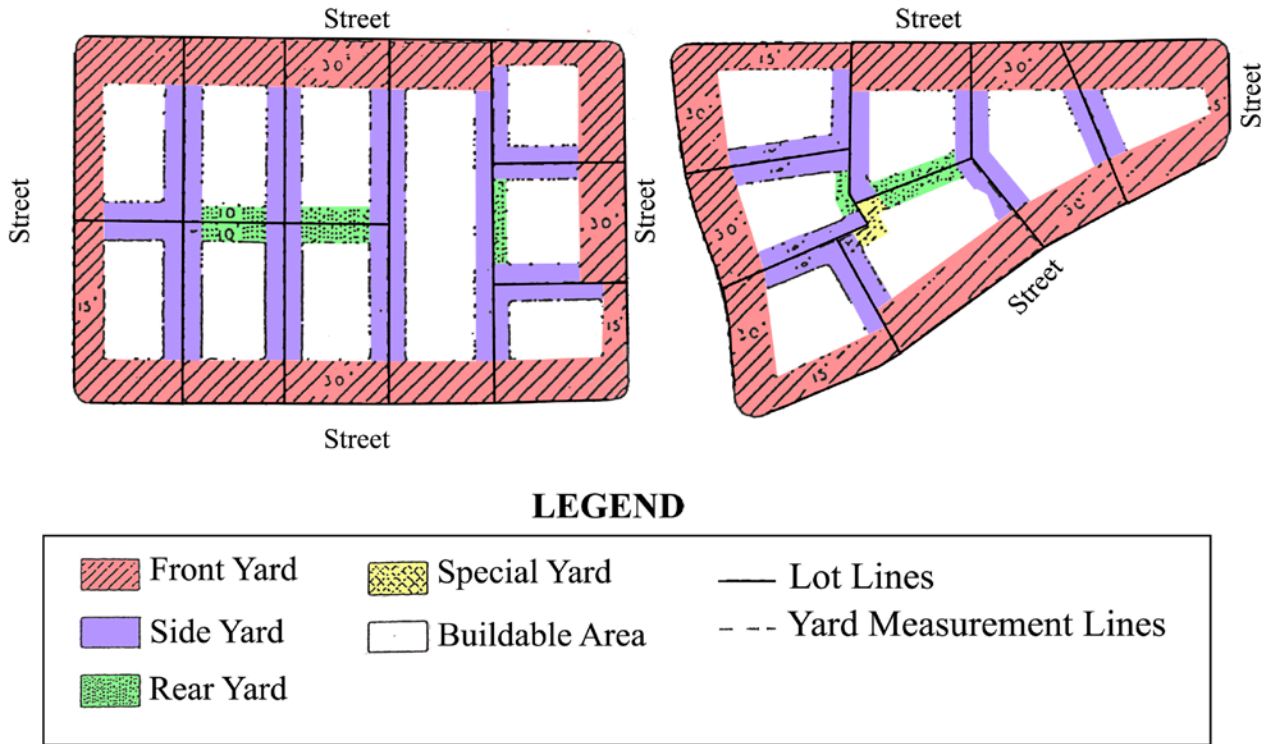
A corner lot in which its frontage is on a street whose alignment is generally parallel to the side lines of the lots that constitute the predominant lot pattern in the block.

T - THROUGH LOT

An interior lot with frontage on more than one street; a through lot fronting on two

generally parallel streets may be referred to as a "double frontage" lot.

FIGURE II



LOCATION AND MEASUREMENT OF YARDS

The illustration here a front yard depth required at 30 ft. (half depth front yards 15'), side yard widths 10 ft., and rear yard depths 10 ft. Note that at A, a special yard is shown, indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.

SECTION 3

CHANGES & AMENDMENTS

SECTION 3-1 MEETING AND PUBLIC HEARING NOTIFICATION

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

Any persons or corporation or group of persons having an ownership interest in any property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this ordinance or the Planning and Zoning Commission may, on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this ordinance shall bear the signature of the owners of all property within the area of request.

The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendments, supplement or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.

At least 15 days before the scheduled Zoning Commission meeting, notice of the time and place of the public hearing shall be published in the official newspaper of general circulation in the municipality and at least 11 days before each public hearing held by the Zoning Commission, written notice of a proposed change must be sent to each owner (as indicated by the most recent tax roll) of property within 200 feet of the property on which the change in classification is proposed. This notice may be served by United States mail, properly addressed and postage paid, certified return receipt requested. If property within 200 feet of the property which the change is proposed has been recently annexed and is not included in the most recent tax roll, the notice is given by publication at least 16 days before the hearing.

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of the time and place of such hearing shall be published in the official newspaper of the City of Gatesville and posted inside and outside of the City Hall building in the number of days or hours specified by the laws of the State.

SECTION 3-2 PROTEST ZONING CHANGE

This zoning ordinance, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. The affirmative vote of the Council is needed to change a zoning regulation or boundary, if the governing body receives a written protest

against the proposed change signed by the owners of at least 20% of either:

- A. the area of the lots or land covered by such proposed change, or
- B. the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

In computing the percentage of land area, the areas of streets and alleys shall be included in the computation.

SECTION 4

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall be appointed by the City Council of the City of Gatesville. The Commission is authorized by virtue of the subject of Section 1.06 of the City Charter to act as an advisory body on all zoning matters. The responsibilities, organization, duties and procedures of the Commission are:

1. To identify community needs and to advise the City Council of their short-range and long-range implications for the total development of the City; and
2. To recommend achievable community goals as a basis for long range planning and development programs; and
3. To recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and
4. To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

The Planning and Zoning Commission shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than fifteen (15) days before the date set for hearing by depositing a notice properly addresses and postage paid in the United States Post to such property owners as the ownership appears on the last approved tax roll.

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. At least fifteen (15) days notice of time and place of such hearing shall be published in the official newspaper of the City of Gatesville.

If such proposed amendment, supplement or change has been denied by the Commission, or if a protest against such proposed amendment supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet there from or of those directly opposite thereto extending two hundred (200) feet from street frontage of such opposite lots, such amendment shall not become effective except by a three-quarter (3/4) vote of all members of the City Council of the City of Gatesville.

SECTION 4-1 MEMBERSHIP AND ORGANIZATION

The Commission shall consist of seven members, appointed by Council, for two-year terms each.

The Council shall consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgement, interest in planning and zoning, and ability to prepare for and attend meetings. It is the intent of Council, that members shall, by reason of diversity of their individual occupations, constitute a Commission that is broadly representative of the community. Members who do not attend at least 75% of the scheduled meetings shall be replaced.

A. Terms of Office

The terms of four (4) of the members shall begin on May 1st of each odd-numbered year and expire on April 30th two years thereafter and the terms of three of the members shall begin on May 1st of each even-numbered year and shall expire on April 30th two years thereafter. The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places expire shall in odd-numbered years and the even places shall expire in even-numbered years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

B. Organization

The Commission shall hold an organizational meeting in May of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall elect a Secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the City Manager to work with the Commission. The Commission shall meet regularly and shall designate the time and place of its meetings, as stipulated hereinafter. The Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of the law.

SECTION 4-2 DUTIES AND POWERS

The Planning and Zoning Commission is hereby charged with the duty and vested with authority to:

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. Formulate and recommend to the Council for its adoption a zoning ordinance for the orderly growth and development of the City and its environs, and from time to time recommend such changes in the zoning ordinance as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City.
3. Formulate a plan as may be deemed best to carry out the goals of the zoning ordinance; hold public hearings and make recommendations to the Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Articles 1011a to 1011j, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said statutes are specifically adopted and a part thereof.
4. Approve or disapprove plans, plats, or re-plats and vacating of plans, plats or re-plats

set out in statutes of the State of Texas, and with consideration for the requirements of the City's Subdivision Ordinance and Standard Specifications.

5. Study and recommend on the location, extension and planning of public right-of-ways, parks or other places, and on the vacating or closing of the same.
6. Study and recommend on the general design and location of public buildings, bridges, viaducts, streets fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the City.
7. Initiate, in the name of the City, for consideration at public hearings all proposals:
 - a. form the opening, vacating or closing of public right-of-way, parks or other public places;
 - b. for the original zoning of annexed areas; and
 - c. for the change of zoning district boundaries on an area-wide basis.
8. Keep itself informed with the reference to the progress of City Planning in the United States and other countries and recommend improvements in the adopted plans of the City.

SECTION 4-3 RULES

A. Rules of Order

Roberts Rules of Order, latest revision, shall be the Commission's final authority on all questions of procedure 22 and parliamentary law not covered by these Rules of Procedures.

B. Sustentation of Rules

Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered upon the minutes.

SECTION 4-4 MEETINGS AND QUORUM

A quorum for the conduct of business shall consist of five members of the Commission. The members shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except reimbursement of authorized expenses attendant to the performance of their duties. The Commission shall meet monthly, unless deemed not necessary, at a regularly scheduled time on regularly scheduled dates, and shall conduct special meetings and hearings as may be necessary. A minimum of four (4) votes shall be required for approval of any motion before the Commission.

A. Agenda

An agenda shall be prepared by the Secretary for each meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

B. Regular Meetings

Regular meetings shall be held on the first Monday at the established time in the Public Library unless otherwise determined by the Commission.

C. Special Meetings

Special meetings for any purpose may be held: on the call of the Chairman; or on request of two or more members having given written notice to all members deposited in the mail at least 48 hours before the meetings; or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

D. Public Meetings

All meetings shall be held in full compliance with the provision of State law, ordinances of the City and these Rules of Procedure. Any part in interest may appear in his own behalf or be represented by counsel or agent.

E. Planning Sessions

The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session provided that no official action shall be taken there and no quorum shall be required.

Section 4-5 OFFICIAL RECORDS

A. Definition

The official records shall be these rules and regulations and the minutes of the Commission meetings together with all findings, decisions and other official records of the Commission.

B. Recording of Votes

The minutes of the Commission's proceeding shall show the vote of each member, or if absent or failing to vote, shall indicate that fact.

C. Files

All matters coming before the Commission shall be filed in the City's records. Original papers of all requests and proposals shall be retained as a part of permanent record.

D. Public Records

The official records and citizen request files for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspections during customary working.

Section 4-6 APPLICATION AND PROCEDURE

A. Written Request

Every proposal submitted for Commission action shall be made in writing. Where appropriate

application forms are provided by the City; the proposal shall be filed on said forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before being accepted for filing. Procedures for processing zoning changes and subdivision approval are outlined in Appendix B and Appendix C at the end of these regulations.

B. Schedules and Instructions

Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted as Appendix to these Rules of Procedure, and to the pertinent requirements of the City's Subdivision Ordinance and Rules.

C. Submission of Supporting Information

Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the City Secretary in writing or to the Commission in a public meeting.

D. Proposal Withdrawal

When any applicant desires to withdraw his proposal, he may do so by filing a written request to that effect with the City Secretary. Such request shall be effective upon the date of its official receipt, provided that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall then be closed.

SECTION 4-7 HEARINGS

A. Order of Business

The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any proceeding meeting shall be submitted by approval. The public shall be advised of the procedures to be followed in the meeting. The Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and report as the Commission requires.

B. Presentation or Hearing of Proposals

1. The Commission shall call, or cause to be called by the secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.
2. The Chairman shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.
3. The Chairman shall then call on persons present who wish to speak for or against the proposal and shall direct that they speak in the following order:
 - a. The applicant and/or their representative
 - b. Those persons in support

- c. Those persons in opposition whenever necessary the chairman shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.
4. The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

C. Motions

1. A motion may be made by any member except the presiding officer.
2. A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a majority vote of the members present. When fewer than all members are present for voting and when all motions to recommend on a given application fail to carry a majority of votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. No request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

D. Disqualification from Voting

1. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or he will be directly affected by the decision of the Commission.
2. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing. If a member does disqualify himself, he shall state the reason for his abstention.

SECTION 5

BOARD OF ADJUSTMENTS

SECTION 5-1 MEMBERSHIP AND ORGANIZATION

The Board of Adjustments shall be appointed by the City Council and composed of five regular members with two alternates. Three regular members and one alternate term will begin on November 1st each year and expire on October 31 of each odd number year and the remaining members terms will expire on the same date in even numbered years. The Council may appoint members to fill unexpired terms in the event of vacancies caused by members resigning or Board members missing three meetings during their term at Council discretion. The Board will choose from the membership a chairman and vice chairman. Minutes of the meeting will be maintained. Four members will be required for a quorum in order to conduct any business.

SECTION 5-2 DUTIES AND POWERS:

Shall include hearing and deciding of the following appeals and applications with the necessary authority to insure compliance with its decision (Art 1011g, Revised Civil Statutes of Texas).

A. Interpretation

To render an interpretation of the Zoning Regulations or the manner of their application where it is alleged that there is an error in any order, requirement or determination made by the Zoning Official in the administration of such provision. In reaching a decision the Board shall establish firm guidelines for future administrative actions on like matters.

B. Special Exception

To decide upon those applications for a special exception use or develop property when the same is authorized under this ordinance subject to Board approval. In reaching its decision the Board shall not grant the application if it finds:

1. That the use is not specifically permitted under the ordinance, or
2. That the locations of proposed activities and improvements are not clearly defined on the site plan filed by the applicant, or
3. That the exception will not be wholly compatible with the use and permitted development of adjacent properties.

C. Variance

To authorize upon appeal in specific cases such variance from the development controls set forth in this ordinance will not be contrary to the public interest. In reaching its decision the Board shall not grant the variance appeal if it finds:

1. That the literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
2. That the situation causing the hardship or difficulty is not unique to the affected

- property or is self-imposed, or
3. That the relief sought will injure the permitted use of adjacent conforming property, or
 4. That the granting of the variance will not be in harmony with the spirit and purposes of this ordinance.

Any variance granted by the Board shall terminate automatically when:

1. The specified period of use has expired, or
2. When the use ceases to be in full compliance with any condition imposed by the Board.

SECTION 5-3 HEARING AND DECISION

A. GENERAL

1. The Board shall fix a reasonable time for the hearing of an appeal, and decide the same within a reasonable period of time. Upon the hearing, any party may appear in person or by attorney or agent. Evidence supporting the granting or denial of an appeal shall be submitted only through the zoning official or to the Board in public meeting.
2. Any appeal or application may be withdrawn upon written notice to the zoning official but no appeal shall be withdrawn after posting of hearing notice and prior to Board action thereon without formal consent of the Board.

B. DECISION AND VOTING

1. Every decision by the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings.
2. Nothing herein contained shall be construed to empower the Board to change the terms of this ordinance, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of this ordinance will be strictly enforced.
3. In exercising its powers, the Board, in conformity with the provisions of Articles 1011a through 1011j of the revised civil statutes of Texas, may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
4. The concurring vote of four (4) members of the Board shall be necessary to reverse an appeal, any order, requirement, decision or determination of the Zoning Official, or to approve any application upon which it is required to pass under this ordinance or to affect any variance in said ordinance.
 - a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the Board
 - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the members vote on the appeal, other than in public hearing.

C. APPROVAL OF REQUEST

1. In approving any request, the Board may designate such conditions in connection therewith in order to secure substantially the objectives of the regulation or provision

to which such variance is granted and the integrity and character of the zone in which such permit is granted.

2. When necessary the Board may require guarantees, in such form as it deems proper, to ensure that conditions designate in connection therewith are being or will be complied with. Where any condition under which a request has been granted is violated, the approval shall cease to exist and the permits issued there-under shall become null and void.
3. Approval of an application for special exception or of a variance appeal shall expire sixty (60) days after the Board's decision unless a greater time is requested in the application and is authorized by the Board. Any proposal may be granted one emergency extension of sixty (60) days on written request filed with the Board before expiration of the original approval.

D. DENIAL OF REQUEST

No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans and obtaining of a new decision from the Zoning Official unless:

1. The new plans materially change the nature of the request, or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.

E. APPEAL OF BOARD ACTION

Any person or persons, jointly or separately, aggrieved by any decision of the Board or any taxpayer, or any officer, department, or board of the City, may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be to the court within ten (10) days after the filing of the decision complained of in the offices of the Board and not thereafter.

SECTION 5-4 OTHER DUTIES AND REGULATIONS

A. ACCIDENTAL DAMAGE TO BUILDINGS

If a building occupied by a non-conforming use is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the Zoning Official may issue a permit for reconstruction. If greater than fifty (50) percent and less than total, the Board may grant a permit for repair but for no enlargement or refurbishing of the building.

B. PARKING

A management entity for any combination of facilities which are located on one or more properties and which are owned or controlled as a unit may apply to the Board of Adjustment for a special exception for Joint Use Parking Facilities. Such facility may provide a total amount of parking less than the sum of parking spaces which would be furnished by each facility

individually. The application shall state how the individual uses are expected to generate a lesser parking demand, or demand at alternating periods, such as for a church and office building. If the uses are all of a commercial nature the parking furnished shall be not less than 5.5 spaces for each one thousand (1,000) square feet of gross leasable area.

SECTION 5-5 PROCEDURE

A citizen may request a hearing, interpretation or appeal for variance from development controls by the following procedures.

CITIZEN initiates action by paying \$75.00 to offset expenses incurred by City and filing all pertaining paper work as required by Zoning Official and B.O.A.

OFFICIAL written notice given to all property owners within two hundred (200) feet of subject property(ies). Notice must be mailed ten (10) days before public hearing.

HEARING date is set by Zoning Official and public notice published fifteen (15) days prior to hearing date.

HEARING HELD on specified date.

SECTION 5-6 AUTHORIZED SPECIAL EXCEPTIONS

Unless specifically permitted as a named use or as a categorized use the following special exceptions may be permitted by the Board, in the Districts listed, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose. Special exceptions listed in each district will be progressive to the following zone (See zoning chart).

SPECIAL EXCEPTION

1. Aviation field, airport or aircraft landing area.
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT R/SF
2. Quarry, mine, sand and gravel pit or excavation for the purpose of removing screening, crushing, washing or storage of ore, clay, stone, gravel, or similar materials.
 - a. Conditions: No permit shall be issued unless the site, location and plan of operation and restoration, including necessary structures, has been submitted to and approved in writing by the Board, which approval shall be for a limited time designated by the Board.
 - b. DISTRICTS REQUIRING BOARD APPROVAL: INDUSTRIAL ONLY
3. Cemetery, mausoleum or crematory for the disposal of human dead.
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT R/SF
4. Split-zoned lots, extension of use.
 - a. Condition: Extension of a use to the lot line or for a distance of not more than 100 feet where the boundary line of a district divides a lot held in single ownership on the effective date of this ordinance or divides a lot held in single

ownership as of the date of subsequent annexation of said lot.

- b. DISTRICTS REQUIRING BOARD APPROVAL: ALL
5. Sanitary landfills.
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: INDUSTRIAL ONLY
 6. Shooting range:
 - a. Conditions: Big bore and small-bore rifle, pistol, trap and skeet.
 - b. DISTRICTS REQUIRING BOARD APPROVAL: INDUSTRIAL ONLY
 7. Community Recreation or Welfare Center
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: CF ONLY
 8. Radio, television, micro-wave broadcast, relay, receiving towers, transmission and re-transmission facilities.
 - a. Condition: Subject to such safeguards as the Board may require.
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT R/SF
 9. Sexually Oriented Business
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT: R/SF, CF, AG/SB HMS, RES 2-4, MULTI-FAM

SECTION 6

NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 6-1 PURPOSE

The general public, the Commission and the Board are directed to take note that non-conformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except when necessary to preserve property rights established prior to the date this ordinance became effective as to the property in question, and when necessary to promote the general welfare and to protect the character of surrounding property. It shall be the responsibility of the Commission and the Board to assist the Council in achieving this goal by advising the Council of their recommendations thereon. As necessary, the Council shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any non-conforming use within the City.

SECTION 6-2 NON-CONFORMING LOTS

A. Continuance of Non-Conforming Lots

Subject to all limitations herein set forth, any non-conforming lot may continue without change in boundaries and may be utilized or developed provided that the uses and development are otherwise authorized by this ordinance. No new structure shall be placed thereon except in conformity with the applicable Development Controls of the zoning district in which the lot is located.

B. Discontinuance of Non-Conforming Lots

Any lot which is made conforming by combining with other lots for purpose of sale or development, or by subdividing or re-subdividing, thereafter shall be recognized as a conforming lot and shall comply in full with the provision of this ordinance.

SECTION 6-3 NON-CONFORMING STRUCTURES

A. Limitations on Regulations

No structure, otherwise in accordance with the provisions of this ordinance or an amendment hereto, shall be rendered or be deemed a non-conforming structure solely for a failure to comply with the provisions of this ordinance or an amendment hereto, shall be rendered or be deemed a non-conforming structure solely for failure to comply with the provisions of this ordinance or an amendment hereto, relating to Signs, Off-Street Parking Regulations or Off-Street Loading Regulations.

B. Continuance of Non-Conforming Structures

Subject to all limitations herein set forth any non-conforming structure may be occupied and operated and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance established for structures in the district in which the non-conforming structure is located.

C. Accidental Damage to Building

If a building occupied by non-conforming uses is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform to provision of this ordinance. In the case of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the Zoning Official may issue a permit for reconstruction. If greater than fifty (50) percent and less than total, the Board may grant a permit for repair but for no enlargement of the building.

D. Obsolescence of Structure

The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure becomes obsolete or sub-standard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the replacement cost of such structure on the date that the Zoning Official determines that such structure is obsolete or sub-standard.

E. Determination of Replacement Cost

In determining the replacement cost of any non-conforming structure there shall not be included therein the cost of land or any factors other than the non-conforming structure itself.

F. Prior Permits

Nothing herein shall require any change in the plans, construction or designated use of a building for which a legal building permit has been heretofore issued, provided such construction shall have been started and shall be diligently prosecuted to completion within six (6) months following the date of issuance of such permit.

G. Repairs and Alterations

Repairs and alterations may be made to a non-conforming building or structure; provided, however, no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use; and provided that no additional dwelling units shall be added where the non-conforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The board may grant as a special exception, an application to extend or enlarge a building occupied by a non-conforming use on the lot occupied by such building provided such grant does not prevent the return of such property to a conforming use.

SECTION 6-4 NON-CONFORMING USES

A. Continuance of Non-Conforming Use

Any non-conforming use may be continued in operation on the same land area and on the same floor area in a structure or structures which were occupied by the non-conforming use on the effective date of this ordinance or on the effective date of any amendment by which the use became non-conforming, but such land area or floor area shall not be increased, except that such limitation shall not apply to farming uses.

B. Changing a Non-Conforming Use

1. To a Conforming Use: Any non-conforming use may be changed to a use conforming with the regulations herein established for the district in which the non-conforming use is located; provided, however, that a non-conforming use so changed shall not thereafter be changed back to a non-conforming use.
2. To another Non-Conforming Use: Any non-conforming use may not be changed to another non-conforming use.

C. Recording of Non-Conforming Uses

Upon passage of this zoning ordinance, all non-conforming uses shall be filed and recorded in the records of the City of Gatesville and the County of Coryell, Texas.

SECTION 7

OFF-STREET PARKING AND LOADING

SECTION 7-1 GENERAL REQUIREMENTS

A. Responsibility

The duty to provide and maintain off-street parking shall be the joint and several responsibilities of the owner and occupants of the land on which is established any use for which off-street parking is herein required.

B. Parking for Existing Uses

1. It is the intent of these regulations to preserve and retain existing off-street parking in at least the minimum amounts as would be required if the existing use or structure had been established or erected in full compliance with the provisions herein.
2. No use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the off-street parking and loading spaces are provided in the minimum amounts and maintained in the manner specified; provided, however:
 - a. For the enlargement of a structure or for the expansion of a use of structure or land there shall be required only the number of off-street parking and loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
 - b. For a change in the use of a structure or land the number of additional off-street parking required shall be equal to the number required for the new use, according to the schedule below, less the number of spaces which would have been required for the previous use if it had been established in conformance with this Section. In no case shall the total number of spaces required to be furnished exceed the minimum number required for the new use.

C. Measurements

1. When units or measurements result in requirements of a fractional space any fraction up to one-half ($1/2$) shall be disregarded and fractions of more than one-half ($1/2$) shall require one (1) space.
2. Loading space shall not be considered to supply required off-street parking space, nor shall required off-street parking spaces supply required off-street loading spaces.

SECTION 7-2 PARKING AND DEVELOPMENT STANDARDS

The off-street parking required for the uses mentioned in this ordinance, and other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, or on a lot or parcel of land abutting the structure they are intended to serve.

A. Improvements

1. Open parking, shall be paved with a dust proof or hard surface except that parking areas not more than six (6) spaces serving dwelling units may be surfaced with compacted gravel or crushed stone.
2. Parking shall be provided with wheel guards or bumper guards so located that no part of the parked vehicles shall extend beyond the parking space or across a property line.
3. Any light used to illuminate or identify a parking area shall be placed so as to reflect the light away from the adjacent dwelling, and so as not to interfere with traffic control.
4. A parking area designed for more than six (6) spaces or berths shall be screened so that occupants of nearby dwelling units shall not be disturbed unreasonably, either by day or by night, by vehicular movements. A solid wall of wood or masonry not less than four (4) feet in height shall constitute minimum screening. Said wall shall be maintained in a neat and orderly condition and shall be of a neutral color. Except for necessary driveways, said wall shall screen the vehicle area along those exposures where the vehicle area adjoins or is across a street or alley from property in a living area zone. Provided, however, no screen wall shall be required for a parking area which is at least seventy (70) feet from the lot line of affected property in a living Area Zone.

B. Access and Maneuvering

1. Entrance and/or exits shall be so located as to minimize traffic congestion. They shall be located at least twenty-five (25) feet from the nearest point of intersection of two street right-of-way lines. The width of opening on entrances and/or exits shall be not less than 10 feet nor more than 35 feet, depending on the amount of lot frontage where such opening is to be located. Between any two (2) adjacent entrances and/or exits serving the same parking facility there shall not be less than twenty-five (25) feet.
2. Parking areas for commercial uses shall be arranged so that vehicles shall not be required to back out of parking spaces directly into a public street or across a public pedestrian walk.
3. Access drives to parking areas shall be located in the same or another zoning district which permits the use served by such parking or loading area.

C. Non-Parking Uses

The parking area shall be used for passenger vehicles only, and in no case shall be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies.

D. Locations Prohibited

On any lot in any residential zone or on any lot used for a dwelling, off-street parking spaces shall not be permitted in the minimum front yard. Yards along front and side streets shall be landscaped and maintained in a manner comparable to the area around the principal use.

E. Space Standards

A space ten (10) feet by twenty (20) feet of floor or lot area with unobstructed access to a public street shall be deemed to be a parking space for one (1) vehicle: such space when

provided for other than a dwelling unit shall not be required to be greater than nine (9) feet in width.

SECTION 7-3 OFF-STREET PARKING REQUIREMENTS

In all zoning districts there shall be provided for each allowable use, off-street parking space in accordance with the following requirements.

A. Basis for Determination

The following classes of uses shall be deemed to include and apply to all uses. Whenever a property or structure is designed, intended or arranged for more than one class of use the total number of parking spaces required shall be the sum of the requirements of the various classes of uses computed separately. If for any reason the classification of any use is not readily determinable hereunder, the classification of the use shall be fixed by the Zoning Official with the advice of the Commission.

B. Joint Use Parking Facilities

A management entity for any combination of facilities which are located on one or more properties and which are owned or controlled as a unit may apply to the Board of Adjustments for a special exception for Joint Use Parking Facilities. Such Joint Use Parking Facilities may provide a total amount of parking less than the sum of parking spaces which would be furnished by each facility individually. The application shall state how the individual uses are expected to generate a lesser parking demand, or demand at alternating periods, such as for a church and office building. If the uses are all of a commercial nature the parking furnished shall be not less than 5.5 spaces for each 1,000 square feet of gross leasable area.

C. Classes of Uses; Number of Parking Spaces Required

The minimum number of off-street parking spaces required shall be as follows:

1. Dwellings:
One (1) space for each dwelling unit plus one (1) space for each three (3) bedrooms.
2. Group Housing Facilities, including lodging, rooming and boarding houses, dormitories, private clubs and fraternal organizations;
Two (2) spaces plus one (1) space for each guest bedroom.
3. Transient Housing:
Motels or Hotels: One (1) space for each unit or for each guest room. Travel Trailer Parks: One (1) space for each trailer space provided.
4. Day Care Center:
One (1) space plus one (1) for each ten (10) children for which the center is licensed.
5. Educational Teaching Areas, including elementary and secondary schools, colleges, kindergartens and preschools, parochial schools:
One (1) space for each class room, plus one (1) space for each five (5) students of legal driving age.
6. Places of Public Assembly, including church and school auditoriums, fellowship halls, theaters, mortuaries, assembly or meeting halls, and transportation terminal waiting

rooms:

One (1) space for every four (4) seats or one (1) space for every thirty (30) square feet of assembly floor area, excluding platform and stage areas or one (1) space for every ninety (90) inches of pew or bench length. For churches these spaces requirements shall apply to main worship area.

7. Health facilities:

One (1) space for one hundred square feet of gross floor area; General Hospital: One (1) space for each two (2) patient beds. Convalescent Home, Sanitarium: One (1) space for each six (6) patient beds. Out-Patient Medical or Dental Clinics: One (1) space for each three hundred (300) square feet of gross floor area.

(Ordinance No. 97-14) October 14, 1997

(Ordinance No. 2015-01) February 10, 2015

8. Restaurant and Food Service:

One space for each three (3) seats in the eating area, whether enclosed or outside of a building.

9. Office Areas:

One (1) space for each three hundred (300) square feet of gross floor area.

10. Retail Sales and Personal Service Establishments:

One (1) space for each two hundred (200) square feet of gross leasable area.

11. Wholesale and Business Service Establishments:

One (1) space for each four hundred (400) square feet of gross leasable area.

12. Major Appliances and Heavy Machinery Sales Room and Service:

One (1) space for each four hundred (400) square feet of total sales or service area.

13. Automobile Sales Area and Service Garages:

One (1) space for each four hundred (400) square feet of total sales or service area.

14. Service Station:

One space for each automotive service bay or unit, including gasoline pump areas, but not less than four (4) spaces.

(Ordinance No. 97-14) October 14, 1997

15. Bank, Financial Institution, Savings and Loan Association:

One (1) space for each two hundred (200) square feet of customer service area including all teller and safe deposit vault spaces.

16. Industrial Establishment, including manufacturing or processing plants:

One (1) space for each one thousand (1,000) square feet of plant production or processing area.

Warehousing and Rental Storage Space:

One (1) space for each seven hundred (700) square feet of total floor area.

17. Recreation and Cultural Facilities:

- a. Amusement Park: One (1) space for each amusement ride plus one (1) space for each ten thousand (10,000) square feet of park site exclusive of parking area.
- b. Bowling Alley: Two (2) spaces for each lane plus one (1) space for each four (4) spectator seats.
- c. Miniature Golf Course: One (1) space for each two (2) tees.
- d. Dance Floor: One (1) space for each forty (40) square feet of dance floor

- area.
 - e. e) Swimming Pool: One (1) space for each one hundred fifty (150) square feet of water surface area.
 - f. f) Stadium: One (1) space for each six (6) spectator seats.
 - g. g) Museum and Library: One (1) space for each four hundred (400) square feet of public access and exhibit areas.
18. Drive-in Facilities: Temporary parking spaces are to be provided in moving lanes, or "stack up" space, preceding customer service space.
- a. Drive-In Banks: Two (2) spaces for each teller window, plus one (1) exit space beyond the window.
 - b. Drive-in Retail Stores and Personal Service Establishments: Two (2) spaces for each customer service window, plus one (1) exit space beyond the window.
 - c. Drive-in-Theater: One (1) space for each four (4) viewing spaces within the theater.
19. Temporary Uses: For all uses to be established for a period of not more than thirty-one (31) days, the number of spaces required and the maintenance of the parking area shall be determined by the Zoning Official.

SECTION 7-4 OFF STREET LOADING REQUIREMENTS

In all zoning districts there shall be provided off-street loading facilities in accordance with the following requirements in accordance with each allowable use.

A. General Standards

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for ingress and egress. The number of spaces required, except as modified hereafter, shall be not less than the following which shall be deemed to include and apply to all structures:

GROSS FLOOR AREA (square feet)		SPACES REQUIRED
10,001	up to and including 25,000	1
25,001	up to and including 40,000	2
40,001	up to and including 100,000	3
100,001	up to and including 160,000	4
160,001	up to and including 240,000	5
240,001	up to and including 320,000	6
320,001	up to and including 400,000	7
For each additional 90,000 over 400,000		+1

B. Special Standards

The following amounts of off-street loading spaces shall be required for the following enumerated use classes in lieu of the above.

- a) Pre-School, Kindergarten or Day Care Center:
Two (2) each ten (10) feet by twenty (20) feet.
- b) Tourist Facilities:
One-fourth the number of spaces required above.
- c) Places of Public Assembly:
One-fourth the number of spaces required above.
- d) Office Areas:
One-fourth the number of spaces required above.

(Ordinance No. 2007-11) October 9, 2007

(Ordinance No. 2007-15) December 11, 2007

The Traffic Section of the Code of Ordinances is amended to add the following: It shall be unlawful to park in the 200 and 300 blocks of S 27th Street between the hours of 2:00 and 4:00 pm Monday-Friday on days that the Gatesville ISD is in session.

SECTION 8

SPECIAL DEVELOPMENT CONTROLS

The regulations and development controls of the various districts shall be modified by and be subject to the following provisions and limitations.

SECTION 8-1 BUILDINGS AND STRUCTURES

A. Lot Requirements

1) Lot Required:

Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one main building on one lot, except as herein provided.

2) Multiple Structures on Lot:

In any district, more than one structure for a permitted Principal Use other than a dwelling may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

3) Deficient Lot Area:

Where a lot has less area than herein required and was of record and in separate ownership at the time of the passage of this ordinance, said lot may be occupied by a dwelling for not more than one family.

4) Frontage on Street:

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

B. Height Limitations

1) General Exceptions:

The height regulations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required be placed above the roof level and not intending for human occupancy.

2) Visibility at Intersections:

On a corner lot in any Residential District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

C. Yard Provisions

1) Depth of Front Yard:

Depth of front yards shall be measured at right angles to a straight line adjoining the foremost points of the side lot line, in the case of rounded property corners at street

intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

2) Front yard on Through Lots:

Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages of through lots. Where he finds that one of the front yards that would normally be required on a through-lot is not in keeping with the prevailing yard pattern, the Zoning Official shall waive the requirement for the normal front yard and substitute there-for a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

3) Width of Side Yard:

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

4) Depth of Rear Yard:

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

5) Corner Lots with Three or More Frontages:

On corner lots with more than two (2) frontages, the Zoning Official shall determine the front yard requirements subject to the following limitations:

- a. At least one front yard shall be provided having the full depth required generally in the district:
- b. No other front yard on such lot shall have less than half the full depth required generally.

6) Reversed Frontage Lots:

A front yard of the required depth shall be provided on either frontage of a reversed frontage lot, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

7) Yards for Accessory Buildings:

No accessory buildings shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building on said lot.

8) Special Yards:

In those cases, in which the above general rules do not apply the Zoning Official shall require a yard with minimum dimensions as generally equivalent to a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots with due regard to the orientation and location of structures and buildable areas thereon.

9) Other Yard Uses:

Fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding 36 inches, may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

D. Temporary and Accessory Uses and Buildings

1) Construction Buildings and Security Fences:

Nothing herein shall prohibit the placement of temporary portable building providing office space, sanitary facilities or storage of supplies or materials, or the erection of security fences on the site and during the period of any construction project. However, no manufacturing operation shall be conducted within a temporary or portable building when the project of such operation is to be transported off the site for use in construction at another location.

2) Mechanical Equipment:

Air conditioning and similar mechanical equipment shall not be mounted in minimum yard spaces. Equipment shall be so placed as to direct motor and fan noises away from the nearest property line.

SECTION 8-2 SPECIAL USE REQUIREMENTS

A. Uses in Newly annexed areas: Interim Controls

Uses in all territory hereafter annexed to the City shall be subject to the regulations of the lowest density Residential District until the original zoning districts of such territory are established by Council. Uses in territory hereafter annexed to the City shall be zoned Zoning Pending. Any development in this annexed area not already under construction when annexation proceedings begin must be approved by Council. Consideration to the surrounding property development must be considered in granting a building permit. The only exception to this will be single-family residence which is permitted in all zones.

The Commission shall, as soon as practicable after annexation of any territory, institute proceeding on its own motion to establish original zoning districts throughout the newly annexed territory, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning districts governing other parts of the municipality.

B. Swimming Pools

It is the purpose of these provisions to recognize outdoor swimming pools as a potential attractive nuisance and to promote the public safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

- 1) **Permits and Approvals:** No swimming pool shall be constructed or used until a Swimming Pool Building Permit has been issued therefor. No Building Permit shall be issued unless the proposed sanitary facilities and water supply will comply with applicable local and State Health Department regulations.
- 2) **Requirements:** A swimming pool may be constructed and operated in conjunction with any Principal Use or Special Use when:
 - a. The pool is not located in any minimum yard space.
 - b. A wall or fence, not less than four (4) feet in height, with self-latching gates at all entrances, shall completely enclose either the pool area, and such wall or fence is not located in a minimum front yard.
 - c. All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the

enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.

- d. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.

C. Day Care Centers, Kindergartens and Private Elementary Schools

Day care centers, kindergartens, and private elementary schools are recognized (1) as potentially noise generators which may adversely affect livability of nearby residences, and (2) as uses which house for a short term, young children whose safety must be given special consideration.

1) Permits and Approvals:

No Building Permit shall be issued unless the sanitary facilities and water supply will comply with applicable local laws and State Health Department regulations.

2) Requirements:

There shall be furnished on the site outdoor play area of not less than 100 square feet for each child authorized by state licensed to be cared for on the premises. Such minimum required play area shall be located in the side or rear yards and shall be completely enclosed by a fence or wall.

D. Home Occupations

In connection with the operation of a dwelling, any use permitted as a home occupation may be operated subject to compliance with the following conditions.

- 1) Is operated in its entirety within the dwelling unit and only by the person or persons maintaining a dwelling therein.
- 2) Does not have a separate entrance from outside the building.
- 3) Does not display or create outside the building any external evidence of the operation of the home occupation except for one (1) unanimated, non-illuminated flat or window sign having an area of not more than one hundred forty-four (144) square inches facing on each street adjoining the lot in which the building is located.
- 4) Does not utilize more than twenty per cent (20%) of the gross floor area, but not to exceed three hundred (300) square feet in a dwelling unit.
- 5) Does not have any employee or regular assistant not residing in the dwelling unit in which the home occupation is operated or maintained.

E. Completion of Existing Buildings

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of passage of this ordinance and which such entire building shall be completed within one (1) year from the passage of this ordinance.

Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within six (6) months from the date of passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries or districts, the

provisions of this ordinance with regard to buildings or uses legally existing, or to building legally under construction or building permits legally issued in the area affected by such amendments at the time of the passage of such amendments, shall not cause such use to be terminated or to bar the occupancy of such building unless provided by other proceedings at law.

SECTION 9

PERFORMANCE STANDARDS

SECTION 9-1 STANDARDS ESTABLISHED

In any district no land shall be used in any manner other than compliance with the performance standards herein set forth. Where appropriate all other applicable local, State and Federal regulations shall apply to the characteristics of the use.

1) Fire and explosion hazards.

All activities involving and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fire is prohibited at any point.

2) Radioactivity or electric disturbance.

No activities shall be permitted which emit dangerous radioactivity at any point, or electrical or electronic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

3) Noise.

At the points of measurement specified in Section 11-2, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table II after applying the correction as shown in Table III. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for measurement of noise and other sounds, American Standards Association, Inc., New York, N.Y., and American Standard Specifications for and Octave-Band Filter set for the analysis of Noise and Other Sounds, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y. shall be used.)

4) Vibration.

No vibration shall be permitted which is discernable without instruments at the points of measurement specified in Section 11-2.

5) Smoke.

No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart or the standard Ringlemann Chart as issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for 4 minutes in any 30 minutes.

6) Odors.

No emission shall be permitted of odorous gasses or other odorous matter in such quantities as is readily detectable when diluted in the ration of one volume of odorous air to four volumes of clean air at the points of measurement specified in Section 9-2 or

at the point of greatest concentration. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors in Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. and said manual and/or table as subsequently amended.

7) Fly Ash, Dust, Fumes, Vapors, Gases, and other forms of Air Pollution.

No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point. No emissions shall be permitted in excess of the standards specified in Table I, Chapter 5, "Industrial Hygiene Standards, Maximum Allowable Concentrations", of the "Air Pollution Abatement Manual", by Manufacturing Chemists' Association, Inc., Washington, D.C. and said manual and/or table as subsequently amended. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceed 0.3 grains per cubic foot of the conveying case at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50) percent excess air.

8) Glare.

No direct or sky-reflected glare whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, shall be visible at the points of measurement specified in section 11-2. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

9) Liquid or Solid Wastes.

No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the State Department of Health or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial process in sewage treatment, or otherwise cause the emission of dangerous or offensive elements.

TABLE II

PERMITTED SOUND PRESSURE LEVELS

Frequency ranges containing standard octave bands in cycles per second.	Allowable Sound Pressure Level in Decibels.
20-300	60
300-2400	40
Above 2400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10 p. m. and 7 a. m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

TABLE III

ALLOWABLE INCREASES IN SOUND PRESSURE LEVELS FOR SPECIFIC NOISE CONDITIONS

Type or Location of Operation Correction in or Character of Noise	Decibels
1. Daytime operation only:	5
2. Noise source operates less than:	
a. 20% of any one-hour period: 5 Decibels	5
b. 5% of any one-hour period: 10 Decibels	10
3. Noise of impulsive character (hammering, etc.)	5
4. Noise of periodic character (hum, screech, etc.)	5
5. Property is located in one of the following zoning districts and is not within 500 feet of any Residential or Special Purpose District	
a. Any Commercial District	5
b. Any Industrial District	10

SECTION 9-2 ENFORCEMENT

A. Measuring Violations

In order to determine if actual violations are involved, certain measurements are necessary for the enforcement of performance standards herein set forth pertaining to noise, vibration, odors, and glare. These measurements are as follows:

- 1) Twenty-five (25) feet from the source of origin or at the closest lot line in any district except an industrial district.
- 2) In an industrial district five hundred (500) feet from the source of origin or at the closest District boundary, or anywhere within any adjacent district other than an industrial district.

B. Administrative Responsibility

The Code Enforcement Officer shall have the power to refuse a Building Permit when insufficient information is provided to determine the likelihood and compliance with these performance standards.

Information to be supplied the Code Enforcement Officer shall include the proposed feature of development, with all details pertaining to the proposed process and products and all necessary specifications to judge the proposed measurers against the emission of dangerous and objectionable elements as herein elaborated. Fees for any required special reports shall be included in the application.

Qualified expert consultants may be employed for analysis, if in the opinion of the Zoning Officer the proposed uses may cause dangerous or objectionable emissions. These reports shall be presented in due process and without delay with a copy for the applicant.

C. Council Responsibility

Within thirty (30) days of receipt of application, or in case of a required expert consultant report, within a reasonable and mutually agreed upon period, the application shall be reviewed by the Council, after which the Building Permit shall be issued, refused, or granted subject to modification of plans.

In case of alleged violations, of performance standards, the Code Enforcement Officer shall investigate and report to the Council on any deviations from the performance standards. The Council shall analyze the report with the help of qualified experts, and after public hearing shall determine whether or not a violation exists. Costs for a qualified expert shall be paid for by the violator if a violation is established, otherwise by the City.

SECTION 10

DISTRICTS & DISTRICT BOUNDARIES

SECTION 10-1 ESTABLISHMENT OF DISTRICTS

In order to regulate and restrict the location of trades and industries and the location of building erected, reconstruction, altered or enlarged for specific uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged, to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the municipality is hereby divided into the zoning districts described in Section 11.

SECTION 10-2 OFFICIAL ZONING MAP

The district aforesaid, and the boundaries of such districts, shall be as shown upon a map made a part of this ordinance, said map being designated "Official Zoning Map," said map and all notations, references, and other information shown thereon shall be a part of this ordinance the same as if all such matters and information were fully described herein. The original of said map shall bear even date with the passing of this ordinance; shall be signed by the Mayor and attested by the City Secretary and promptly displayed in the City Hall;

SECTION 10-3 DETERMINATION OF BOUNDARIES

In determining the location of zoning district boundaries on the map accompanying and made a part of this ordinance, the following rules shall apply:

- a) Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys, as they exist at the time of adoption of this ordinance, shall be the zoning boundary; or
- b) Where boundaries are shown to enter on cross blocks, property lines of lots, as they exist at the time of adoption of this ordinance, shall be the zoning boundary; or
- c) Where boundaries are shown on un-subdivided property, the location shall be determined by scale shown on the map unless dimension is given on the map.

SECTION 11

ZONING DISTRICT DESCRIPTIONS

SECTION 11-1 RESIDENTIAL/SINGLE-FAMILY

A. Purpose of District

The residential district is designed to permit single-family home sites. Subdivision plats can be expected to be designed in conformity with traditional platting rules and containing sufficient area in order to provide minimum amounts of open space for single-family housing. All urban-type public improvements and service are required in this district.

B. Principal Uses

1. Single-family dwelling

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of near by property in greater degree than the principal use.
- c. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust, or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and Side Street building setback lines.
- e. Specific Board of Adjustment approval is not needed as long as the accessory use complies with the provisions of this section.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under provisions of Section 5. Other special exceptions shall be permitted as provided in Section 5-6.

1. Real estate development tract field office (temporary).
2. Subdivision advertising sign
3. Home occupation
4. Day care center with no more than 7 children as an accessory use to a dwelling.
5. A Residential Single-Family dwelling on a lot that is less than 8000 (eight thousand) square feet in area, but at least 5000 square feet in area.

E. Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

(Ordinance No. 2003-12) November 11, 2003

Section 1. That the following described real property which as formally a part of the Single-Family Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being the South ½ of Lot 11, Block 2, Coryell County Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 106 S. Lovers Lane, Gatesville, Texas

(Ordinance No. 2004-15) December 14, 2004

Section 1. That the following described real property which as formally a part of the Single-Family Zoning District be reclassified as Community Facility Zoning District, to-wit:

Being Part of Lot 7, Block 13, Westview Addition, City of Gatesville, Coryell County, Texas, and being more commonly known as 115 N. Levita Road, Gatesville, Texas

Ordinance No. 2005-11) December 13, 2005

Section 1.

That the following described real property is hereby zone as Residential Multi-Family Zoning District, to-wit:

Being 9.88 acres of land out of the E. Norton Survey, City of Gatesville, Texas and described as follows: Being 9.88 acres of land out of the E. Norton Survey, Abst. No.782 in Coryell County, Texas and being part of a 158.328-acre tract of land described in a deed from Jasper H. Arnold III, et all, to Coryell Stoneridge Partners, L.C. dates April 27, 1995, recorded as Doc. No. 88154 of the Official Public Records of Coryell County, Texas; said 9.88 acres being more particularly described in the field notes.

Section 2.

The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as Residential Multi-Family Zoning District.

Section 3.

That the following described property is hereby zoned as the Single-Family Zoning District, to-wit:

Being 9.88 acres of land out of the E. Norton Survey, City of Gatesville, Texas and described as follows: Being 3.48 acres of land out of the E. Norton Survey, City of Gatesville, Texas and being part of a 158.328 acre tract being part of a 158.328 acre tract of land described in a deed from Jasper H. Arnold, III, et all, to Coryell Stoneridge Partners, L.C. dates April 27, 1995, recorded as Doc. No. 88154 of the Official Public Records of Coryell County, Texas; said 3.48 acres being more particularly described in the field notes.

(Ordinance No. 2006-06) September 26, 2006

Section 1. That the following described real property which as formally a part of the Residential Single-Family Zoning District be reclassified as Business Commercial District, to-wit:

Being part of Lot 2 and the SW ¼ of Lot 3, Block 2 Coryell County Addition in the City of Gatesville, Coryell County, Texas, and more commonly known as 105 Franklin Street and 101

Austin Street.

(Ordinance No. 2008-12) September 9, 2008

Section 11 of the Zoning Ordinance, known as Zoning District Descriptions, is hereby amended to add the following:

D. Special Exceptions

5) A Residential Single-Family dwelling on a lot that is less than 8000 (eight thousand) square feet in area, but at least 5000 square feet in area.

(Ordinance No. 2008-16) November 25, 2008

Section 1. That the following described real property which as formally a part of the Residential Single-Family Zoning District be reclassified as 2-4 Family District, to-wit:

Being part of Lot 2, Block 2 Valley View Addition in the City of Gatesville, Coryell County, Texas.

(Ordinance No. 2010-07) September 14, 2010

Section 1. That the following described real property which as formally a part of the Residential Single-Family Zoning District be reclassified as Community Facility, to-wit:

Being part of Lots 13-16, Block 5 and Lots 13-16, Block 6 Guggolz Addition in the City of Gatesville, Coryell County, Texas.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as 2-4 Family Zoning District.

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(Ordinance No. 2010-10) November 9, 2010

Section 1. That the following described real property which as formally a part of the Residential Single-Family Zoning District be reclassified as Business Commercial District, to-wit:

Being part of Lot 1, Block 17 New Addition in the City of Gatesville, Coryell County, Texas, being further described as 32 acres located at 1802 South Street.

(Ordinance No. 2011-03) May 10, 2011

Section 1. That the following described real property which as formally a part of the Residential Single-Family Zoning District be reclassified as Business Commercial District, to-wit:

Being 7.982 acres out of the C. Cazenoba Survey A-150 and being a portion of a so-called 150913 acre tract of land being located north of 1802 South Street in the City of Gatesville, Coryell County, Texas.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as Business Commercial Zoning District.

(Ordinance No. 2012-02) March 13, 2012

Rezoning a portion of Canyon Crossing Subdivision from Single Family to 2-4 Family Residential.

Being Lot 1, Block 1 and Lots 1-11, Block 2 of the Canyon Crossing Subdivision plat (with the same restrictions).

(Ordinance 2014-09) September 9, 2014

A portion of Live Oak Street, being Lots 4, 5, 6 and 7 of Block 4, Wells Addition, being further known as 507, 601, 603 and 605 Live Oak Street respectively.

(Ordinance No. 2015-02) May 26, 2015

Section 1. That the following described real property which was formally Residential Single Family be reclassified as 2-4 Family Zoning District, to-wit:

Being Lots 1,2,3,4 and 5 consisting of 1.663 acres of the A. Arocha Survey, commonly known as 501, 503, 505, 507 and 509 Straws Mill Road.

SECTION 11-1-1 TOWNHOUSE RESIDENTIAL/SINGLE-FAMILY

A. PURPOSE OF DISTRICT

The Townhouse Residential/Single-Family District is to permit townhouse style single-family home sites. Subdivision plats can be designed with non-traditional platting with zero (0) side lot lines on one or two sides but must contain sufficient area in order to provide minimal amounts of open space in the front and rear for single-family housing. The individual units may or may not be sold after construction preserving the setback in front and the rear with zero lot side lines. All urban-type public improvements and service are required in this district.

B. PRINCIPAL USES

1. Single-family dwelling. The dwelling may be two (2) stories, but the upper and lower floors will constitute one (1) single-family dwelling.

C. ACCESSORY USES

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a) Are customarily incident to and is maintained and operated as a part of the principal use; and
- b) is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use.
- c) does not create levels of noises, odors, vibration and lighting, or degrees of traffic congestion, dust, or other pollutants, in a greater amount that that customarily created by the principal use; and
- d) is located behind the minimum front and Side Street building setback lines.
- e) Specific Board of Adjustment approval is not needed as long as the accessory use complies with the provisions of this section.

D. SPECIAL EXCEPTIONS

The following may be established only when authorized by the Board of Adjustments under provisions of Section 5. Other special exceptions shall be permitted as provided in Section 5-6.

1. Real estate development tract field office (temporary).
2. Subdivision advertising sign.

E. HEIGHT AND AREA REGULATIONS

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. The side lot side yards shall be six feet (6') when adjoining another lot and zero feet (0) feet when adjoining another dwelling unit on the same platted lot. (ORD. No. 2004-16, Sec. 1, 01-25-05)

(Ordinance No. 2004-16) January 25, 2004) Adding a new Townhouse Residential Single-Family District

(Ord. No. 2000-19) January 23, 2001 Removing Home Occupation as a possible exception.

Ordinance No. 2006-03) March 28, 2006

Section 1. That the following described real property which as formally a part of the Community Facility Zoning District be reclassified as Townhouse Zoning District, to-wit:

Being 1.43 acres of land out of the A. Arocha Survey, City Gatesville, Coryell County, Texas, and more commonly known as 200-208 Straws Mill Road.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as Townhouse Zoning District.

SECTION 11-2 COMMUNITY FACILITY DISTRICT

A. Purpose of District

The Community Facility District is designed to permit those institutional and related uses which are established in response to the educational, safety and welfare needs of the community.

B. Principal Use

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

1. Public kindergartens, elementary and secondary schools, and private kindergartens, elementary and secondary schools whose curricular satisfy the requirements of the State Public School Laws and the regulations of the State Department of Education.
2. Higher Education Institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricular recognized by collegiate, academic and professional organizations accrediting boards.
3. Museums, libraries, fine arts centers, and similar cultural facilities sponsored, operated or maintained for the benefit of the general public.
4. Golf courses (except commercially operated miniature golf courses and commercially operated golf driving ranges) on a site containing a total area of not less than 40 acres; parks, playgrounds, community centers and country clubs.
5. Institutions, rehabilitation and training centers operated or sponsored by chartered educational, religious or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.
6. Public Safety Facilities: Civil Defense operational centers, police and fire stations and training facilities.
7. Utility building and structures: power sub-stations, water tanks and reservoirs, water and sewage treatment plants.
8. Post offices and other governmental uses.
9. Religious Institutions: churches and facilities for worship, fellowship and education when located on a site of three (3) acres or more.
10. City owned buildings and uses.
11. Public-owned utility buildings and structures.
12. Day care facility.
13. All types of medical care facilities
14. All uses allowed in the Residential/ Single-family zoning district

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and

- c. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and side street building setback lines.

D. Special Exception Uses

The following may be established only when authorized by the Board of Adjustments under provisions of Section 5. Other special exceptions shall be permitted as provided in Section 5-6.

1. Helistop or aircraft landing area for loading and unloading of passengers and air express.

E. Uniform Height and Area Regulations

It is intended by these regulations that development of the CF Community Facilities District shall be compatible with development in the districts which it adjoins.

1. Site Regulations

The site for any use permitted in this district may be composed of one or more parcels of land whether or not the same are contiguous or separated by a dedicated right-of-way. No permit shall be issued for any construction or to establish a use on any site unless the same is identified in an approved subdivision filed in the County Plat Records.

2. Yard Requirements

The yard requirement of each adjoining zoning district shall govern along such common boundary. When the site adjoins other property in the CF District the most permissible yard regulations otherwise applicable shall govern along that portion of the site which adjoins the CF District.

3. Height Limits

The height limits of the contiguous district which has the most permissive height limits shall govern.

4. Bulk Controls

The bulk controls of the contiguous district which has the most permissive bulk controls shall govern.

(Ordinance No. 2007-13) November 13, 2007

An Ordinance Zoning the Country Club as part of the Community Facility Zoning District

That the portion of property annexed by the City of Gatesville, Texas annexed by **Ord. No. 2007-10** which is owned by the Gatesville Country Club, to wit:

Being part of 49.083 acres in the 0008 A. Arocha Survey. Located at 1306 Golf Course Road (rear tract), be and is hereby zoned as part of the Community Facility Zoning District.

(Amended Ordinance No.5) April 27, 2010

The newly annexed Coryell County Complex as a Community Facility and the newly annexed

portion of the Stoneridge Subdivision as 2-4 Family and Single Family Residential (with a restriction of single-story duplexes only), and that the approximately 25-acre portion located immediately north of the Coryell County Complex in the newly annexed portion of Stoneridge Subdivision should be zoned Single Family Residential; and Section 1. The Official Zoning Map shall reflect the following as Community Facility:

Being approximately 27 acres out of the E. Norton Survey, being more particularly described in Exhibit A.

Section 2. The Official Zoning Map shall reflect the following described as 2-+4 Family (with a restriction of single-story duplexes with a minimum of 1350 sq. feet of heated and cooled living space, a minimum of 85% stone or masonry exterior, and a privacy fence constructed at the back of lots abutting Stoneridge Subdivision.

Being approximately 13 acres out of the E. Norton Survey, being more particularly described in Exhibit A.

Section 3. The Official Zoning Map shall reflect the following as Single Family Residential;

Being approximately 25 acres out of the E. Norton and Theodore Merrill Surveys, being more particularly described in Exhibit A.

SECTION 11-3 AGRICULTURAL AND SUBURBAN HOMESITES DISTRICT

A. Purpose of District

The Agricultural/Suburban Home sites District is designed to permit sparsely settled residential development and residential in combination with traditional farming activities. Connection to urban type services are required if available near building site.

B. Principal Uses

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

1. Agricultural home site with a minimum of 15,000 square feet (0.344 acres)
2. Agricultural uses, livestock range, animal husbandry, field crops, tree crops, nurseries and greenhouses
3. All uses allowed in the Community Facility zoning district

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and Side Street building setback lines.
- e. In addition, the following accessory use is permitted;
 1. Roadside stand not exceeding four hundred (400) square feet in floor area, for the sale of agricultural products grown on the premises.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under the provisions of Section 5. Any accessory use may be permitted without specific Board approval provided it complies with the provisions of Sub- Section C above. Other special exceptions shall be permitted as provided in Section 5-6.

1. Private utility buildings required to service the district.
2. Riding stable.
3. Roping arena.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all building, walls and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

(Ordinance No. 2005-09) July 12, 2005

Section 1. That the following described real property which as formally a part of the Ag-Suburban Zoning District be reclassified as Residential Multi-Family Zoning District, to-wit:

Being 7.991 acres of land out of the Henry Farley Survey, and more commonly known as a portion of State School Road, Gatesville, Texas.

(Ordinance No. 2005-14) August 23, 2005

Section 1. That the following described real property which as formally a part of the Ag-Suburban Zoning District be reclassified as 2-4 Family Zoning District, to-wit:

Being Lot 16, Block 12, Northern Annexation to the City of Gatesville, Coryell County, Texas and more commonly known as a 532 State School Road, Gatesville, Texas.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as 2-4 Family Zoning District.

(Ordinance No. 2005-14) August 23, 2005

Section 1. That the following described real property which as formally a part of the Ag-Suburban Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being Lot 2, and part of Lot 3, Block 12, Northern Annexation to the City of Gatesville, Coryell County, Texas and more commonly known as a 628 State School Road, Gatesville, Texas.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as Business Commercial Zoning District.

(Ordinance No. 2012-04) July 10, 2012

Section 11-3 of the Progressive Zoning Ordinance is hereby amended as follows:

Under (B) (1), the Agricultural homesite minimum size shall be changed to a minimum of 15,000 square feet (.344 acres).

(Ordinance No. 2014-08) August 12, 2014

Newly annexed land of approximately 300 acres located in the Arocha Survey, Abstract 8, Coryell County, Texas.

Approximately 19 acres zoned Community Facility, being a portion of the Gatesville Country Club Golf Course Land, being more particularly described by meter and bounds.

Approximately 1.8-acre tract for Community Facilities Zoning District, being the American Legion Department of Texas.

Approximately 3.1-acre tract for Agriculture Suburban Homesite Zoning being the West margin of Straws Mill Road and the East line of the said Jones tract to the southeast corner of the

Jones tract.

Approximately 4.3-acre tract for Residential Single-Family Zoning District. Commencing at a point for a corner of a called 635.929-acre tract being described as the Northwest corner of the Maude Jones 160-acre tract of land.

Approximately 1-acre tract for Residential Single-Family Zoning District. Beginning at a point on the North side of Straws Mill Road at the Southwest corner of a tract of land described in a deed to Bill M. and Beverly Shoaf.

Approximately 1.7-acre tract for Residential Single-Family Zoning District. Beginning at a point in the South margin of Smith Lane for the Northeast corner of the above-mentioned tract 1.

Approximately 42-acre tract for Residential Single-Family Zoning District. Beginning at a point in the center of the Leon river at a corner of approximately 190-acre tract and the Southeast corner of a 574.207-acre tract described in a deed to Miguel and Betty Gonzalez.

Approximately 1.4-acre tract for Business Commercial Zoning District. Described in a deed to Clinton Hunt Bergman and at the NE corner of Burl B. Watts land.

Approximately 15-acre tract for Business Commercial. Commencing at the center of Old Waco Rd. for the NW corner of 116.42-acre tract annexed into the City by Ord. 94-09.

SECTION 11-4 RESIDENTIAL 2-4 FAMILY DWELLING UNITS

A. Purpose of District

The Residential 2-4 Family Dwelling Units District is designed to permit medium density residential development characterized by duplexes, triplexes, and garden apartments. All urban type services and improvements are needed in this district.

B. Principal Uses

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed, or structurally altered or enlarged except for one or more of the following principal uses.

1. Two-family, three-family, or four-family dwelling
2. All uses allowed in the Agricultural/Suburban Home sites District.

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and side street building setback lines.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under the provisions of Section 5. Any accessory use may be permitted without specific Board approval provided it complies with the provisions of Sub-Section C, above. Other special exceptions shall be permitted as provided in Section 5-6.

1. Real estate development tract or field office.
2. Subdivision advertising sign.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

(Ordinance No. 97-02) March 11, 1997

Section 1. That the following described real property which was formally a part of Residential 2-4 Family Zoning be reclassified as Business Commercial District, to-wit:

Being Lots 1 and 2, Block 62 and Part of Lot 1, Block 63, Original Town, City of Gatesville, Coryell County, Texas, and being more commonly known as 413-419 Main Street.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas Ordinance No. 95-17, shall be altered to reflect the property designated hereinabove as Business Commercial Zoning District.

(Ordinance No. 2002-06) May 14, 2002

Section 1. That the following described real property which was formally a part of Residential 2-4 Family Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being Lot 2, Block 67, Original Town Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 213-215 N. 8th Street.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No. 95-17, shall be altered to reflect the property designed hereinabove as Industrial District.

(Ordinance No. 2003-15) December 9, 2003

Section 1. That the following described real property which was Formally a part of the Residential 2-4 Family Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being the W. part of Lot 2, Block 78. Original Town Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 1205 Saunders Street.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No. 95-17, shall be altered to reflect the property designed hereinabove as Business Commercial Zoning District.

Ordinance No. 2003-15) December 9, 2003

Section 1. That the following described real property which was Formally a part of the Residential 2-4 Family Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being the W. part of Lot 2, Block 78. Original Town Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 1205 Saunders Street.

Ordinance No. 2006-04) April 11, 2006

Section 1. That the following described real property which as formally a part of the 2-4 Family Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being Lot 1, Block 54, and all of Block 55 of the Original Town Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 406-416 E. Leon Street.

(Ordinance No. 2006-13) January 23, 2007

Section 1. That the following described real property which as formally a part of the 2-4 Family Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being Lot 16, Block 12, of the Northern Annexation to the City of Gatesville, Coryell County, Texas, and being more commonly known as 532 State School Road.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No. 95-17, shall be altered to reflect the property designed hereinabove as Business Commercial Zoning District.

(Ordinance No. 2010-11) November 9, 2010

Section 1. That the following described real property which as formally a part of the 2-4 Family Zoning District be reclassified as Industrial Zoning District, to-wit:

Being Lots 3, 4, 6-018, Block 9, of the Lutterloh Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 407 N. Lutterloh.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No. 95-17, shall be altered to reflect the property designed hereinabove as Industrial Zoning District.

SECTION 11-5 RESIDENTIAL MULTI-FAMILY

A. Purpose of District

The Residential Multi-Family District is designed to permit high density residential development characterized by apartment buildings and complexes containing more than four dwelling units including, but not limited to, buildings of two or more stories in height. All urban type services are needed in this zone.

B. Principal Uses

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally enlarged except for one or more of the following principal uses.

1. Boarding or lodging house
2. Apartment building or complex
3. Private club or lodge
4. All uses allowed in the Residential 2-4 Family zoning district

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and side street building setback lines.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under the provisions of Section 5. Any Accessory use may be permitted without specific Board approval provided it complies with the provision of Sub-Section C, above. Other special exceptions shall be permitted as provided in Section 5-6.

1. See Section 5.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

SECTION 11-6 BUSINESS/COMMERCIAL

A. Purpose of District

The Business/Commercial district is a district designed for extensive variety of retailing, personal services, and business services. Those services shall be encouraged which serve the entire urban area.

B. Principal Use

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

1. Drive-in-Theater when located on a designated State or Federal Highway completely enclosed with 8 ft fence.
2. Recreational Vehicle park.
3. All retail, commercial, office services, personal care, food service, except those primary uses listed under Industrial Zoning.
4. Mini-warehouse.
5. All uses allowed in the Multi-family zoning district.

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c. Does not create levels of noise, odors, vibration and lighting or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and side street building setback lines.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under the provisions of Section 5. Any Accessory use may be permitted without specific Board approval provided it complies with the provision of Subsection C, above. Other special exceptions shall be permitted as provided in Section 5-6.

1. See Section 5.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

In addition to the Uniform Regulations there shall be furnished minimum side yards as follows:

6 feet when adjoining any Living Area Zone; 0 feet along other zones, but, if a side yard is provided it shall be not less than 3 feet.

(Ordinance No. 2003-13) November 11, 2003

Section 1. That the following described real property which was formally a part of the Community Facility Zoning District be reclassified as Business Commercial Zoning District, to-wit:

Being Lot 6 and Part of Lot 9, Block 10, Original Town Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 805 E. Main Street.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as Industrial District.

SECTION 11-7 MOBILE HOME DISTRICT

A. Purpose of District

The Mobile Home District is designed to permit sufficient area to provide minimum amounts of open space for single-family dwelling units. Urban type public improvements are required for adequate service for residence of this area.

B. Principal Uses

1. Mobile Home (one per lot)
2. All uses allowed in the Business Commercial zoning district

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c. Does not create levels of noise, odors, vibration and lighting or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and side street building setback lines.
- e. In this district a mobile home as defined in Sec. 3 can only be utilized as a single-family dwelling unit and for no other purpose. Recreational vehicles may not be occupied in a Mobile Home District.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under the provisions of Section 5. Any accessory use may be permitted without specific Board approval provided it complies with the provisions of Sub-Section C, above. Other special exceptions may be permitted as provided in Section 5-6.

1. See Section 5.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

(Ordinance No. 2009-02) May 12, 2009

Section 11-7 of the Zoning Ordinance, known as Zoning District Descriptions, is hereby amended to remove the following:

All of the paragraph beginning with “NOTE” and ending with “manufactured after 1987 in accordance with H.U.D. specifications. “

And add the following: “Any mobile home or manufactured home to be moved into the City which has been structurally changed since acquiring its Housing and Urban Development (HUD) sticker, or does not appear to be habitable in its current condition, must have a habitability study done by an approved HUD inspector, and have any repairs done as the study recommends, prior to moving into an appropriate zone.”

SECTION 11-8 MOBILE HOME PARK DISTRICT

A. Purpose of District

The Mobile Home Park District is designed for the specific residential environment needs of mobile home dwellers. Individual mobile home spaces are located in designated mobile home parks. Traditional urban-type public improvements must be supplemented by special on-site facilities for recreation, storage, fire protection and waste disposal.

NOTE: V.A.C.S., Art. 522 1f, Sec. 4 A provides that a city may prohibit installation of a mobile home for use or occupancy as a residential dwelling within the city limits. Any replacement of existing mobile home must be H.U.D. Manufactured homes. Manufactured after 1987 in accordance with H.U.D. specifications.

B. Principal Uses

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

1. Mobile home park.
2. All principal uses allowed in the Mobile Home District.

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a. Is customarily incident to and is maintained and operated as a part of the principal use; and
- b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c. Does not create levels of noise, odors, vibration and lighting or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d. Is located behind the minimum front and side street building setback lines.

Within a mobile home park and on a site designated for such purposes on a record subdivision plat, there may be established convenience establishments of a commercial nature, including store, coin-operated laundry and dry-cleaning establishments, laundry and dry-cleaning agency, beauty shop and barber shop, when such establishments and the parking areas primarily related to their operations:

1. occupy more than 10% of the area of the park,
2. subordinate to the residential use and character of the park,
3. are located, designed and intended to serve frequent trade or service needs of persons residing in the park, and
4. present no visible evidence of their commercial character outside the park.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustments under the

provisions of Section 5. Any accessory use may be permitted without specific Board approval provided it complies with the provisions of Sub-Section C, above. Other special exceptions shall be permitted as provided in Section 5-6.

1. See Section 5.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

1. Perimeter requirements: Around the perimeter of the mobile home park site the setbacks and yard requirements of each adjoining district shall apply to development within the park along the extent of such common boundary with the other district. Where the adjoining district requires no setback from that property line the following shall govern:
 - a. Minimum Front Yard: 25 feet.
 - b. Minimum Side Yard: Along interior lot line: 10 feet along side street lot line: 10 feet
 - c. Minimum Rear Yard: 10 feet
2. Tract requirements: The following general provisions shall apply to the design and operation of a mobile home park.
 - a. Minimum area of tract:
3 acres comprised of a single tract except where the site is divided by a public alley.
 - b. Minimum width of tract:
For portions used only for general vehicular entrances and exits: 50 feet. For portions containing mobile home stands and buildings open generally to occupants: 100 feet
 - c. Bulk Controls: Maximum Floor Area Ratio for Mobile Homes Dwelling Units:
0.4, based upon total area in park less commercial and common use areas, driveways, and permanent dwelling.
 - d. Length of residential occupancy:
No space shall be rented for residential use of an approved mobile home in any such park except for periods of thirty (30) days or more.
 - e. Recreational Vehicles may be placed in mobile home park zoning.

SECTION 11-9 INDUSTRIAL

A. Purpose of District

This district is designed to permit industrial and manufacturing uses which tend to support nearby residential and commercial areas.

B. Principal Uses

In this district no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

All uses shall comply with the performance standards set forth in Section 11 (Performance Standards).

1. Machine shop within enclosed building.
2. Motor freight and trucking terminals.
3. Wrecking yards where inoperable vehicles are stored, dismantled and/or used parts sold retail or wholesale, when located on a designated State or Federal Highway, fenced according to State law.
4. Inoperable vehicle storage yards where only vehicles are stored for periods over 30 days.
5. Any manufacturing uses.
6. Wholesale sales.
7. Storage yard for construction equipment, building materials, provided that such storage area shall be completely enclosed by a solid fence or wall at least eight (8) feet high and provided that materials shall be stacked no higher than one (1) foot above the top of the fence or wall.
8. Warehousing
9. All principal uses allowed in the Mobile Home Park zoning district

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory uses:

- a) Is customarily incident to and is maintained and operated as a part of the principal use:
and
- b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- d) Is located behind the minimum front and side street building setback lines, except that parking areas may extend to the property lines along front and side streets.

D. Special Exceptions

The following may be established only when authorized by the Board of Adjustment under the provisions of Section 5. Any accessory use may be permitted without specific Board approval

provided it complies with the provisions of Sub-Section C, above. Other special exceptions shall be permitted as provided in section 5-6.

1. Contractors temporary construction yard, and asphalt or concrete batch plant for period of not more than (2) years, subject to renewal.

E. Uniform Height and Area Regulations

The uniform height and area regulations set forth in Section 10 shall apply to all buildings, walls and uses established on all properties contained within the district but shall be subject to specific limitations and modifications set forth elsewhere in this ordinance.

In addition to the Uniform Regulations there shall be furnished minimum side yards as follows: 6 feet when adjoining any Living Area Zone; 0 feet along other zones, but if a side yard is provided it shall be not less than three (3) feet.

SECTION 11-10 PLANNED DEVELOPMENT DISTRICT

A. Purpose of District

The Planned Development District is designed to encourage a greater flexibility and the opportunity for a higher standard of land development than is permitted under conventional regulations. As such it makes feasible the application of planning concepts dealing with planned unit development of residential areas, planned shopping centers, and planned industrial parks. Improvements in a PD District are subject to conformance with a site plan approved by Council on Commission recommendation and after public hearing thereon.

B. Effects of PD Classification

Property may be classified under the Planned Development District zone either in combination with another zoning district and so designated by the letters PD affixed to the code letters of the base district, or as a single zoning district. When the PD designation is affixed to another base district, development may proceed in accordance with the provisions of this section. When property carries on the PD designation it shall be considered to be classified in a "holding zone" pending 1) presentation by land owner of specific development proposals consistent with the adopted City Plan, and 2) determination of public action on facilities and services needed to serve the proposed development. Under this circumstance no development may proceed until an accompanying base district classification is established by map amendment to this ordinance.

C. Height and Area Regulations

1. Working Area Zones:

When the PD designation in combination with any Working Area Zone (s) has gross area of at least ten (10) acres the Development Controls of the Working Area Zone (s) shall apply. In addition, special attention shall be given to the external effects of the proposed development on properties generally located in the surrounding area.

2. Living Area Zones

When the PD designation in combination with any Living Area Zone(s) has a gross area of at least twenty (20) acres, the Development Controls of the Living Area Zone(s) shall apply only to the total site and to individual blocks within the site; provided that, in lieu of the Bulk Control Standards, the Intensity Factor of the district as shown above shall apply to each district.

D. Site Plan Approval Required

A site plan approved by the City Council shall be a prerequisite to issuance of building permits and certificates of occupancy for any property in the district other than those which are entitled to same by reason of other provisions of this ordinance.

1. Information to be shown:

The site plan shall show all pertinent information as necessary to accompany and application for building permit and such other information pertinent to the site and surrounding area as the Commission may require under its Rules of Procedure, including a schedule of proposed improvements both on-site and off-site.

2. Public Hearings Required

A request for site plan approval shall follow the same review and hearing procedure as a proposal for zoning district change. A site plan approval request may be heard concurrent with or subsequent to a zoning change request, but not before.

3. Modification of Site Plan

The Commission may recommend and the Council may require such modification of a site plan as will permit the proposed project to be in harmony with the existing and anticipated development of surrounding areas.

4. Amendments

All site plans approved hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were originally approved.

E. Site Plan Standards

Every application for approval of a site plan under the terms of this district shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the developer, how the development will relate to public services and facilities, and what protection features are included to ensure that the development will be compatible with existing and allowable development on adjacent property. The site plan shall show at least the following items of information.

1. The land area including within the site, the land area of all abutting sites and the zoning classification thereof, all public and private rights of way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned;
2. The proposed finished grade of the site, shown to contour intervals of not to exceed two feet;
3. A description of the proposed site and the boundaries thereof;
4. The location of each existing and each proposed structure on the site, the use or uses to be contained therein, the number of stories, gross floor area, and the location of entrances and exits to buildings;
5. The location of all outside facilities for waste disposal;
6. The location and width of all curb cuts and driving lanes;
7. The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same;
8. All pedestrian walks, malls and open areas for use by tenants or the public;
9. The location and height of all walls, fences and screen planting;
10. The location, size, heights and orientation of all signs other than signs flat on building facades;
11. The types of surfacing, such as paving, turfing or gravel, to be used at the various locations;
12. The location of fire hydrants.

F. Administrative Action

On approval of the site plan all necessary permits or certificates authorized thereby may be

issued. Subsequent to such approval, minor changes may be authorized by the Zoning Official when such minor changes will not cause any of the following circumstances to occur:

1. A change in the character of the development;
2. An increase in the ration of the gross floor areas in structures to the area of any lot;
3. An increase in the intensity of use;
4. A reduction in the originally-approved separation between buildings;
5. An increase in the problems of circulation, safety, and utilities;
6. An increase in the external effects on adjacent property;
7. A reduction in the originally approved setbacks from property lines;
8. An increase in ground coverage by structures;
9. A reduction in the ration of off-street parking and loading space to gross floor area in structures;
10. A change in the subject, size, lighting, flashing, animation or orientation of originally approved signs (Section 12).

(Ordinance No. 2006-05) April 11, 2006

Section 1. That the following described real property which was formally a part of the Planned Development Zoning District be reclassified as Townhouse Residential Single-Family Zoning District, to-wit:

Being 6.08 acres known as Lot 2, Block 2, Western Annexation and Lot 1, Block 1 Bartlett Addition to the City of Gatesville, Coryell County, Texas, and being more commonly known as 201-319 Chicktown Road.

Section 2. The Official Zoning Map referred to in Section 10-2 of the Zoning Ordinance of the City of Gatesville, Texas, Ordinance No.95-17, shall be altered to reflect the property designated hereinabove as Townhouse Residential Single-Family Zoning District.

Section 12

Uniform Sign Regulations

Section has been removed through from the Zoning Ordinance and is now its own stand-alone ordinance in the Gatesville Code of Ordinances.

SECTION 13

ADMINISTRATION AND ENFORCEMENT

SECTION 13-1 CERTIFICATE OF OCCUPANCY

A certificate of occupancy is not required under this ordinance.

SECTION 13-2 BUILDING PERMITS

An application for a building permit shall be filed in the office of the Zoning Official, on forms provided by the Zoning Official before any construction will be permitted within the city. Every application for a building permit shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of the Zoning Ordinance. This plat shall be prepared after the lot has been staked by a competent surveyor. A careful record of the original copy of such application and plats shall be kept in the office of the Zoning Official and a duplicate copy shall be at the building at all times during construction.

SECTION 13-3 EXPENSES AND FEES

Expenses incurred in the enforcement and administration of this ordinance is necessary to improve the environmental quality and to help achieve orderly development of the community. In order that such expenses shall be borne primarily by those persons causing administrative action to be taken under the terms of this ordinance, the Council shall adopt a schedule of fees commensurate with the cost incurred in such action.

The fee schedule shall apply to and a collection procedure shall be provided for applications for building permits and zoning compliance, for applications and appeals to the Board of Adjustment, for applications for zoning change, and for other matters pertaining to this ordinance. A copy of the schedule shall accompany each copy of this ordinance which is distributed to the public. No application or appeal which is subject to the fee schedule shall be reviewed or processed until all required fees have been paid in full. Changes in the fee schedule shall not become effective until adopted by Council.

SECTION 13-4 ENFORCEMENT AND PENALTIES

Any person, firm or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be fined not less than \$5.00 or more than \$1000.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 13-5 SEVERABILITY CLAUSE

If any section, provision, or part thereof in this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 13-6 PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect from and after its passage and publication as provided for by law.