

**TOWN OF BAYVIEW ZONING ORDINANCES
NO. 2009-05**

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Article I ZONING DISTRICTS AND BOUNDARIES

SECTION 1: INTERPRETATION AND PURPOSES

The zoning regulations and districts, as herein established, have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the Town of Bayview. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and for its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and the land and encouraging the most appropriate use of the land throughout the Town of Bayview.

Zoning regulations and districts, as herein set forth, are approved and established.

SECTION 2: ZONING DISTRICT AND BOUNDARIES

Zone A - Single Family Dwelling District

Zone B – Agriculture District

Zone C – Dwelling and Local Retail and Business District

Zone D - Newly Annexed Property

- A. The Town of Bayview is hereby divided into classes of Use Districts termed in Article 1 Section 2. All are shown upon the zoning map, which is adopted with and is declared to be a part of this ordinance, and shall be considered as much a part of the same as if the matters of information set forth thereby were all fully contained and described therein. Said map shall, on its face, be identified and verified in the manner following: It shall bear the title "ZONING MAP OF THE TOWN OF BAYVIEW, TEXAS". It shall bear the names of the Town Board of Alderpersons, and it shall be attested by the signature of the Mayor. The original of said map shall be kept in a safe place to be determined by the Board of Alderpersons, and a replica thereof shall be produced upon paper in such a reduced scale as will permit such replica copy to be pasted upon and be attached to a page of the ordinance records immediately following transcription of this ordinance.
- B. When definite distances in fact are not shown on the Zoning Map the district boundaries on the Zoning Map are intended to be along existing street, alley, or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line.

- C. Where the street layout actually on the ground varies from the street layout as shown on the Zoning Map, the Board of Adjustment may apply the designation shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

Article II REGULATIONS APPLICABLE TO ALL DISTRICTS

SECTION 1: LOT AREA

Where the sale or division of property after enactment of this ordinance would place the new property line closer to existing buildings than that permitted in the zone in which the property is located, building permits shall **not** be issued for new buildings that would place such new buildings closer to existing buildings than twice the distance from building to property line permitted. See the Side Yard section in each zoning district.

On any lot held under separate distinct ownership from adjoining lots at the time of the passage of this Ordinance, such separately owned property being of record at the time, a single-family dwelling may be erected even though the lot be of less area than required by the regulations relating to area in the district in which it is located provided, however, that in any event the combined area of the dwelling and accessory building shall not cover more than forty percent (40%) of the total area of the lot.

No lot area shall be so reduced or diminished that the yards or other open spaces or distances from buildings to property lines shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established. Side yard areas used to comply with minimum requirements of this Ordinance for a building shall not be included as a part of the required areas of any other building. See each Zoning District Article for the specific lot sizes.

SECTION 2: TEMPORARY BUILDINGS:

Temporary buildings are to be used only for construction purposes or field offices for the sale of real estate in the immediate addition. They shall be removed upon completion or abandonment of construction work, and the field office must be removed immediately upon request of the Building Inspector.

SECTION 3: ACCESSORY BUILDINGS AND PUMP HOUSES:

Accessory buildings will have a closed masonry foundation and shall not be used as living quarters. Accessory buildings and pump houses may be constructed of:

- brick or adobe brick
- concrete or light aggregate brick or block
- stone and stucco
- wood
- metal or
- any material approved by the Board of Alderpersons.

Veneer shall be not less than 2 and 3/4 inches thick.

SECTION 4: PORTABLE STRUCTURES:

- a) Travel trailers, campers, motor homes or buses may be stored on the property so long as they are kept for their original intended use and stored in a sightly manner, but may not be used as living quarters except during the construction of the one-family dwelling and then not to exceed six months.
- b) Mobile homes shall not be permitted except during the construction of the one-family dwelling, not to exceed six months.
- c) Portable Storage Units (for moving purposes) may be stored on the property so long as they are kept for their original intended use and then not to exceed six months.
- d) Visiting Trailers. (See Article XI, Section 1i).

SECTION 5: DOCKS, PIERS, AND BOAT HOUSES:

Docks, piers and boat houses may be built of wood, concrete or other suitable material, but should be in conformity with the single-family dwellings and be appropriate to the water front and surrounding community. Piers and docks are to be limited to a maximum width of thirty (30) feet and a maximum length of twenty-five (25) feet, but in no event shall the length exceed 10% of the width of the resaca. Construction of piers, docks and bulkheads also require approval by the general manager of Bayview Irrigation District #11. Solid fill is not permitted in the resaca.

SECTION 6: ROOF REGULATIONS:

A surface of all roofs for principal and secondary structures which are exposed to public view shall be of:

- Clay tile or other tiles of a ceramic nature, concrete tile, slate, stone, or copper.
- Substantial standing seam metal roofs.
- Flat built up roofs will be allowed provided that they have a minimum of a one (1) foot parapet wall with adequate drainage (scuppers or drain pipes). On existing buildings a flat roof addition may match an existing flat roofed elevation.
- Composition roofs, with a weight of less than 240 pounds per one hundred (100) square feet (25 year warranty) and without stick down tabs shall not be permitted.
- Barn type wood shakes or better will only be permitted if they meet minimum fire retardant criteria established by the current building codes.

SECTION 7: SEWAGE SYSTEMS:

Sewage systems shall comply with the latest State and Federal Regulations, but in no case shall the septic tank or drainage field be less than one hundred (100) feet of the normal line of a resaca nor closer than fifteen (15) feet to any property line.

SECTION 8: PORTABLE TOILET

A property owner contemplating major construction is to have a portable toilet from start to finish of any major job. The final decision of who should have this portable toilet is to be made at the discretion of the Building Inspector.

SECTION 9: BAYVIEW IRRIGATION DISTRICT #11:

Bayview Irrigation District #11 permission shall be obtained prior to locating any structure water lines, septic tank systems, and driveways near or over the water districts present irrigation lines, easements, pump houses or access roads.

SECTION 10: CONSTRUCTION EQUIPMENT:

Construction equipment and/or portable buildings being used in connection with construction located within the Town for which a building permit has been issued and a Certificate of Occupancy not yet issued is deemed not to be in violation of this article.

Article III

“A” SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1: USE:

Buildings or land, in any portion of the Town, may be used for any of the uses listed under this classification, but in an "A" District, no building or land shall be used, and no building or structure shall be hereinafter erected, enlarged, or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

1. Only one-family dwellings which shall be constructed as follows and not otherwise:
 - a. The single family dwelling shall be constructed on a closed concrete foundation suitable to support the structure.
 - b. The dwellings shall be constructed of masonry or masonry veneer.
 - c. Masonry or masonry veneer construction shall be construed to mean:
 1. Brick or adobe brick, or brick veneer
 2. Concrete or light aggregate brick or block
 3. Stone and Stucco
 4. 20% of exterior walls, not including window and doors, may be constructed of wood or other council approved materials.
 5. Veneer shall be not less than 2 3/4 inches thick.
2. Guest houses shall be built on a closed concrete foundation and shall harmonize with the one-family dwelling.
3. Servants quarters shall be built on a closed concrete foundation and shall harmonize with the one-family dwelling.

SECTION 2: USE REGULATIONS:

- a) **Lot size:** The minimum area of the lot shall be 65,000 square feet, including any alley influence, save and except individual tracts of record as of the date of the revision of this Ordinance.
- b) **Building size:** Building size shall have a floor area of not less than 2,000 square feet, not including garage, porches, and patios.
- c) **Side yards:** No building used as living quarter shall have walls, including porches or additions thereto, closer than twenty-five (25) feet of the property line or sixty (60) feet of a resaca, street, road or highway right-of-way. Ancillary buildings may be located no closer than sixteen (16) feet to the resaca, five (5) feet from the property line, and sixty (60) feet from the street. Pump houses, piers and docks may be located closer than sixteen (16) feet to the resaca.

- d) Allowed use is also for farm, truck garden (a farm where vegetables are grown for market), orchard, green houses or nursery for the growing of plants, shrubs, farm crops or trees, provided no wholesale business, sales offices, packing or storage sheds or buildings are maintained on the premises.
- e) Golf courses are allowed, but not including miniature, driving range, or any other form of commercial amusements.

SECTION 3: INCIDENTAL USES:

- a) Uses, customarily incident to any of the above uses, when situated in the same dwelling, including customary home occupations when engaged in by the occupants of the dwellings. Operation of a business will be allowed as long as said business is not a retail location at which on-site sales or services are provided to the public. Operation of said business will be further limited to providing a location for an office and for storage of business-related materials, the extent of which must comply with current residential building nuisance codes. Businesses shall register with the Town and pay an annual fee of \$10.00 due October 1, or whenever said business is established. Business will also be required to register with the State of Texas and will collect sales and use tax on all items sold pursuant to state statutes. No incidental use shall ever be permitted as principal use. Seasonal sale of consumable orchard products grown on the home owner's property shall not constitute a retail location as herein defined.
- b) Penalty: Any person, firm, or corporation or agent who shall violate any provision of this ordinance, or shall fail to comply therewith, or with any of the provisions thereof, or violate a detail statement or plan submitted and approved thereunder, shall be guilty of a separate offense for each and every day, or portion thereof, during which, any violation of any of the provisions of this ordinance is committed or continued, and upon conviction in the municipal court of the Town of Bayview, Texas, for any such violation, such person shall be punished by a fine not to exceed \$200.00 per occurrence.

SECTION 4: SIGNS:

(A) No signs shall be permitted except the following:

(1) Temporary signs.

- (a) Only one, unilluminated "For Sale", "For Rent" or "For Lease" sign advertising the property on which the sign is erected. No sign shall exceed nine square feet in area, nor be placed within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.
- (b) Only one unilluminated combination building contractors, architects, and subcontractors sign may be maintained on the building site during construction only. No such sign or combination of signs shall exceed 16 square feet in area, nor be placed within 20 feet of the edge of the finished street or within ten feet of the adjoining property line, nor extend more than five feet above the general

ground level.

(c) Only unilluminated political signs may be erected. No sign shall exceed nine square feet in area, nor be placed within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.

(d) Only unilluminated yard sale, lost and found, or seasonal signs (i.e. selling of citrus fruit) may be erected. No sign shall exceed nine square feet in area, nor be placed within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.

(e) Property owner permission must be obtained before any of the above listed signs are erected.

(2) Permanent signs.

(a) Outdoor sign. Only one sign having a total area of no more than nine square feet may be erected on any one lot, unless the lot is located at a corner, in which event no more than two signs, each of no more than nine square feet, may be erected. No more than one sign may face any one street. Signs shall not interfere with traffic visibility and not constitute a traffic hazard. The owner must maintain the sign(s), in good condition.

(b) Window display. Only one window display or sign having a total area of no more than four square feet is permitted.

(B) Sign Construction Standards

Signs and sign structures shall be securely built. Materials used in construction for signs should be designed to be of good architectural character.

(C) Sign Maintenance

No person shall fail to, at any time, maintain in good structural condition a sign on such person's premises. All signs, including all metal parts and supports that are not galvanized or of rust-resistant metals, shall be kept neatly painted. The town is authorized to inspect and may order the painting, repair, alteration, or removal of a sign that is not in compliance with this ordinance.

Article IV "B" AGRICULTURE DISTRICT REGULATIONS

- a) Buildings or land, in any portion of the Town except in an "A" District, may be used for any of the following uses, but in a "B" District no building or land shall be used, and no building or structure shall be hereinafter erected, enlarged, or structurally altered which is arranged or designed to be used for other than one or more of the following uses:
 - 1. Any use permitted in an "A" District.
 - 2. Farm employees housing.
 - 3. Farm machinery sheds and repair garages (including farm storage buildings, barns, and fuel storage facilities).

- b) **Lot Size:** The minimum size of lots shall be 65,000 square feet. The minimum square footage of floor area shall be 600 for agricultural structure, 1,200 for farm employees housing, and 2,000 for the main dwelling.

- c) **Setbacks:** There shall be a setback line of forty (40) feet from any property line for the main structure and (60) feet from any resaca, street, road or highway right of way. Other structures may have a setback of fifteen (15) feet from the front and rear of the property line.

Article V

“C” DWELLING AND LOCAL RETAIL AND BUSINESS DISTRICT

The purpose and intent of the "C" district is composed of those activities of the Town whose principal use is general business activities which provides basic and necessary goods and services for the community and its visitors.

A complete site plan showing the major details of the development, including, without limitation, location of buildings and structures, useable open space, off-street loading areas, service and refuse areas, means of ingress and egress, landscaping, screening, and existing and proposed signs must be submitted to the Town of Bayview prior to issuing a building permit. The Town will have 30 days to approve the site plan.

SECTION 1: ALLOWED USES

All buildings, structures, or premises shall only be used, erected, altered, or enlarged which are intended or designated to be used in whole or in part for one or more of the following specified uses or any other office/use approved for this zone by the Bayview Board of Alderpersons:

General Office Uses – attorney offices; consultants; engineers; architects; title companies; art studios.

Retail Stores - antique shop; arts and crafts; art galleries; photography studio; books and curio shops; florist; pet shop; apparel, accessories, and alterations; convenience store with or without gasoline sales.

Food & Beverage Service Providers - grocery stores; restaurants; cafes; bakery; caterer.

Personal Services – barber and beauty shops; nail grooming services; health club (physical fitness); tattoo and body piercing services are prohibited.

Repair Services – watch, clock, and jewelry repair; electronics repair; household appliance and general electric repair.

Meeting Location Facilities - – art, dance, and music schools; community center.

Miscellaneous - fruit and vegetable shop; garden shop; plant nursery; green house.

Any use permitted in an “A” district.

No other uses shall be permitted and no liquor, beer, or wine shall be sold in the “C” Dwelling and Local Retail and Business District.

SECTION 2: BUILDING HEIGHT

No building shall exceed two (2) stories in height.

SECTION 3: PARKING REQUIREMENTS

(a) General Requirements for Parking and Loading:

All site plans submitted for a building permit shall include a parking plan that shall become part of the building permit. The parking plan shall include specific parking requirements for the business size.

Area/property used for parking, landscaping, or loading shall be maintained in good condition without holes and free of trash and other debris by the property owner.

Each parking and loading space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley. All maneuvering shall be designed whereby it can be accomplished solely on private property. Exceptions to this standard are permitted for residential uses.

All required parking shall be on-site. No off-site parking is allowed.

(b) Parking Space Dimension:

A parking space shall have minimum rectangular dimensions as follows:

90 Degree Angle Parking. Nine (9) feet in width and nineteen (19) feet in length. Maneuvering space shall not be less than twenty-four (24) feet.

60 Degree Angle Parking. Nine (9) feet in width and eighteen (18) feet in length perpendicular to the building or parking line. Maneuvering space shall not be less than sixteen (16) feet.

45 Degree Angle Parking. Nine (9) feet in width and seventeen (17) feet in length perpendicular to the building or parking line. Maneuvering space shall not be less than thirteen (13) feet.

Parallel Parking. Nine (9) feet in wide and twenty-three (23) feet in length. The twenty-three (23) feet may include certain no parking "maneuvering" spaces at the ends of the striped parking space. An additional twelve (12) feet of maneuvering space shall be provided for one way parking lanes; twenty-four (24) feet for two way parking lanes.

Access. Each parking space shall have access to a public street or private drive and not be blocked by other parking spaces. The Board may allow certain variations of this rule in specific situations.

Parking shall meet Texas Accessibility Standards, American Disability Standards and shall meet standard engineering practices.

Parking spaces shall be clearly marked by paint, buttons or other approved markers.

(c) Loading Space Requirements.

No loading or unloading of shipments or deliveries shall be made in such a manner as to block the travel lanes on any public street.

(d) Paving and Drainage.

All parking lots shall be surfaced with concrete, hot mix asphalt, brick, stone, or other similar hard surfaced material, and the same material shall be used on repairs.

All parking and loading areas shall provide for proper drainage of surface water to prevent ponding and the drainage of such water onto adjacent properties or walkways in excess of the drainage existing prior to construction. The owner may however, cooperate with adjacent owners in order to create certain drainage facilities to carry the excess drainage.

Construction and/or performance standards shall be approved by the Board of Alderpersons.

SECTION 4: STREET FACING

Main buildings shall be erected to face the street(s).

Corner lots will be designated for circular driveways to insure proper traffic safety and will provide a small block/brick wall with a Bayview Town Center Sign curving to connect both corners.

Corner lots shall have egresses to all streets.

Gas Stations will be required to have the gas pumps in the rear of the building.

SECTION 5: LOT SIZE and SETBACKS

The minimum size of lots shall be 43,000 square feet. Minimum square foot of floor area shall be 600 for commercial structure and 1,200 for dwellings. There shall be a setback line of forty (40) feet from any property line for the main structure and (60) feet from any resaca, street, road or highway right of way. Other structures may have a setback of fifteen (15) feet from the front and rear of the property line.

SECTION 6: LANDSCAPING

Each lot from the road will provide an 8-foot in depth low-level landscape strip with a drip-irrigated or sprinkler system to insure beauty and greenery. This strip can include native plants, grass, shrubs and no trees can be planted that will block traffic or businesses.

Landscaping around free standing signs must be protected from damage by a wall or low barrier such as a curb and all plants must be maintained in a healthy condition. Drip irrigation will be required.

SECTION 7: INTERIOR PARKING LOT LANDSCAPING

Interior parking lot landscaping required by this Subsection shall meet the following standards:

Lots with Fewer than Fifteen Spaces: No interior parking lot landscaping is required for parking lots with fifteen or fewer spaces.

Lots with Fifteen or more Spaces: At least five percent of the parking lot area for parking lots with 15 or more parking spaces shall contain landscaping as described above.

SECTION 8: SCREENING PARKING LOTS AT PROPERTY EDGES

A parking lot screen, in order to improve visual appearance, shall be provided for parking areas at property lines that are adjacent to residential use and will become part of the building permit.

(a) Landscaping, fences, walls, screen structures, buildings or combinations of these can be used to screen views. All required screening shall be provided on site.

(b) Screen planting and/or structures must provide adequate visual screening to adjacent residence(s) at a minimum of 6'0" in height when measured from residence(s) property.

(c) Landscape screen planting at grade should maintain a minimum of 3'0" planting width to provide adequate room for effective plant growth. At grade, planter widths that are less than 3'0" provide inadequate screening and they should only be used in combination with a wall, fence, raised planters or other screen structure.

(d) Parking lot screening that is only provided by landscape planting shall be of a material capable of height and density to provide a positive visual barrier within two (2) years of the time of planting. Species, installation sizes and irrigation systems will be evaluated for conformance with this requirement prior to approving the building permit.

(e) All required plants shall be maintained in a healthy pest-free condition. Dead or severely damaged plants shall be replaced within 2 months.

(f) Parking lot screen structures shall be visually interesting. They should be compatible in design, quality, color and materials of the project buildings to promote unified design.

(g) In locations where significant views of parking lots are unavoidable due to driveway entry widths, topography, or building orientation, visually interesting pavement and interior landscape treatments are encouraged. Pavement color, texture and material changes and canopy trees provide visual interest and visually break up large expanses of pavement.

SECTION 9: OUTDOOR LIGHTING

The purposes of the outdoor lighting standards are to:

- (a) Provide adequate light for safety and security;
- (b) Promote efficient and cost effective lighting and to conserve energy;
- (c) Reduce light pollution, light trespass, glare, and offensive light sources;
- (d) Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other appropriate viewing areas;
- (e) Prevent inappropriate, poorly designed or installed outdoor lighting;
- (f) Encourage quality lighting design; light fixture shielding, establish maximum uniformity ratios and establish maximum light levels within and on property lines.

SECTION 10: ARCHITECTURAL LIGHTING OF BUILDING FACEDES

The lighting of a building facade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

Fully-shielded fixtures are required for all uses when a lamp, rated at more than 1,300 lumens initial output, is used. These fixtures reduce light projecting above the horizontal plane into the night sky and onto neighboring property. This requirement also reduces glare commonly associated with fixtures that are not fully shielded.

All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and mounted as flush to a wall as possible.

SECTION 11: FENCES AND WALLS

The purpose of this section is to regulate the installation of fences, hedges, and walls to provide safety and security as well as visual barriers, while minimizing the impacts that result from fence location and height. A fence, hedge, or wall, which includes retaining walls, columns, posts, piers, or similar structures, or any combination of such structures, is permitted if it meets the approval of the Board of Alderpersons.

SECTION 12: SIGNS

(A) No signs shall be permitted except the following:

(1) Temporary signs.

(a) Only one, unilluminated "For Sale", "For Rent" or "For Lease" sign advertising the property on which the sign is erected. No sign shall exceed nine square feet in area, nor be placed within 20 feet of the edge of the finished street, or within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.

(b) Only one unilluminated combination building contractors, architects, and

subcontractors sign may be maintained on the building site during construction only. No such sign or combination of signs shall exceed 16 square feet in area, nor be placed within 20 feet of the edge of the finished street or within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.

(c) Only unilluminated political signs may be erected. No sign shall exceed nine square feet in area, nor be placed within 20 feet of the edge of the finished street, or within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.

(d) Only unilluminated seasonal signs (i.e. selling of citrus fruit) may be erected. No sign shall exceed nine square feet in area, nor be placed within 20 feet of the edge of the finished street, or within ten feet of the adjoining property line, nor extend more than five feet above the general ground level.

(e) Property owner permission must be obtained before any of the above listed signs are erected.

(2) Permanent signs. The council may upon written application, after due notice and hearing to all property owners within 300 feet, when reasonably necessary and compliance with the following requirements is shown, grant written permission to maintain permanent signs under the following conditions:

(a) Outdoor sign. Only one sign having a total area of no more than nine square feet may be erected on any one lot, unless the lot is located at a corner, in which event no more than two signs, each of no more than nine square feet, may be erected. No more than one sign may face any one street. Signs shall not interfere with traffic visibility and not constitute a traffic hazard. The owner must agree in writing to maintain the sign(s), in good condition. Sign verbiage, design and color scheme are subject to approval by the Board of Alderpersons.

(b) Window display. Only one window display or sign having a total area of no more than four square feet is permitted in a building. Sign verbiage, design and color scheme are subject to approval by the Board of Alderpersons.

Nothing in Section 12 Paragraph A shall be construed to apply to traffic or governmental signs.

(B) Sign Construction Standards

(1) Signs and sign structures shall be securely built, constructed, and erected in conformity with the requirements of this Section.

(2) Materials used in construction for signs should be designed to be of good architectural character relating to the building features and /or the natural terrain features.

(3) Non-structural elements of a sign may be of wood, metal, approved plastic, or any combination thereof, except for wall signs, projecting signs, and awnings, which shall be constructed of incombustible material.

(4) Structural portions of all signs shall be of heavy timber or incombustible material, with the exception of construction signs, window signs, and signs located inside buildings. Furthermore, structural components of wall signs, projecting signs, and awning signs shall be constructed of incombustible material.

(5) No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.

(6) Signs intended for temporary placement of less than six months and which have no electrical or other special features:

(a) If less than 6 square feet per face and under four feet in height, may be constructed of any sturdy material and shall be anchored securely to the ground or a building, fence, or other structure and may be supported by any suitable support which will withstand the wind loading.

(b) A freestanding sign more than 6 square feet in area or four feet or more in height shall have at least two supports sunken at least two feet into the ground.

(c) Construction warning signs placed over concrete or asphalt or other materials into which posts may not conveniently be driven may instead be held in place by weights sufficient to withstand the wind.

(C) Electric Signs

(a) Signs attached to masonry, concrete, or steel shall be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(b) No electric sign shall be erected or maintained that does not comply with the town electrical code.

(D) Sign Maintenance

No person shall fail to, at any time, maintain in good structural condition a sign on such person's premises. All signs, including all metal parts and supports that are not galvanized or of rust-resistant metals, shall be kept neatly painted. The town is authorized to inspect and may order the painting, repair, alteration, or removal of a sign that is not in compliance with this ordinance.

SECTION 13: SIDE YARD REQUIREMENTS:

Side Yards: where a building is erected, enlarged or structurally altered for dwelling purposes or as an accessory building or for any other of the uses allowed within this district, there shall be two side yards, one on each side of the building, having a combined width of not less than twenty percent (20%) of the width of the lot, provided that in no case shall either side yard be less than five (5) feet, and provided further that the combined widths of the two side yards need not exceed twelve (12) feet.

Article VI

“D” NEWLY ANNEXED TERRITORY

- a) All territory annexed to the Town of Bayview, Texas, hereinafter shall be classified as "A", single-family dwelling district, until permanently zoned by the Governing Body of the Town of Bayview. The Town Planning and Zoning Commission shall, as soon as practicable, after annexation of any territory to the Town of Bayview, institute proceedings on its own motion to give the newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

- b) **Side yards:** No building used as living quarter shall have walls, including porches or additions thereto, closer than twenty-five (25) feet of the property line or sixty (60) feet of a resaca, street, road or highway right-of-way. Ancillary buildings may be located no closer than sixteen (16) feet to the resaca, five (5) feet from the property line, and sixty (60) feet from the street. Pump houses, piers and docks may be located closer than sixteen (16) feet to the resaca.

Article VII NON-CONFORMING USES

- a) Any use of property existing at the time of the passage of this Ordinance that does not conform to the regulations prescribed in the preceding sections of this Ordinance shall be deemed a non-conforming use. Any lawful use existing within a building at the time of the passage of the ordinance, in any business or commercial district shall be deemed a conforming use upon the lot devoted to such use at the time of the passage of this ordinance.
- b) The lawful use of land existing at the time of the passage of this Ordinance, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this Ordinance. If a building occupied by a non-conforming use becomes obsolescent or is destroyed by fire or the elements, it may not be reconstructed, rebuilt, or extended except to conform with the provisions of this Ordinance.
- c) A non-conforming use shall not be extended, but the lawful use of the building at the time of the passage of this Ordinance may be continued, although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alteration, except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification; provided, however, that in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, it shall not later revert to the former or less restricted classification.
- d) The right of non-conforming use to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may in the judgment of the Board of Adjustments be reasonably required for the protection of adjacent property.
- e) Nothing in this Ordinance shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty-one (51%) percent of its reasonable value by fire, explosion or other casualty, or act of God, or a public enemy, nor the continued occupancy or use of such building, or part thereof, which existed at the time of such partial destruction.

Article VIII SUBDIVISIONS

- a) Pursuant to the laws of the State of Texas, all subdivisions created within the Town of Bayview and within the extraterritorial jurisdiction of the Town of Bayview shall be approved by the Board of Alderpersons. The subdivisions shall conform to the minimum square footage requirements set forth within.
- b) Each subdivision shall contain paved roads, which roads shall be equal to the specifications required by Cameron County for roads in subdivisions presently created beyond the corporate limits and extraterritorial jurisdiction of the cities within the county. Each subdivision shall have underground electric and telephone utilities. Also required are gutters and sidewalks.

Article IX TOWN RESTRICTIONS

The following shall not be permitted when in the opinion of the Board of Alderpersons they constitute a nuisance:

- a) No structure or fenced enclosure shall be permitted which may be a nuisance to other property owners.
- b) Horses, cows, and barnyard fowl may be kept only if they are so enclosed and housed that they will not become a nuisance to other property owners.
- c) Pigs will not be permitted under any circumstances.
- d) The staking of livestock along public roads within the city limits is forbidden.
- e) Lug, disc, or track machinery or equipment shall not be used or moved on improved roads without proper safeguards to protect the road surface. Damage to improved roads caused by such vehicles will be repaired at the expense of the owner of the vehicle.
- f) The firing of a .17 or larger caliber rifle or handgun is prohibited.
- g) Any use which is noxious, offensive or a nuisance by reason of the emission of odor, filth, soot, dust, gas fumes, noise, vibrations, or is unsightly, or causes the property to become unsightly.
- h) It shall be unlawful for any person who shall own or occupy any lot or lots in the Town to permit or allow holes, places, receptacles, or containers on said lots where water may accumulate and become stagnant or to permit or allow the accumulation of stagnant water thereon, or permit the same to remain thereon. The Town can provide for a penalty and obtain a lien, in favor of the Town, against the offending real estate for expenses of such correction or removal of such.
- i) It shall be unlawful for any person who shall own or occupy any house, structure, building, establishment, lot, or yard in the Town to permit or allow any weeds, rubbish, piled brush, carrion, filth or any other impure or unwholesome matter liable to produce disease to accumulate or remain thereon. The Town can provide for a penalty and/or obtain a lien, in favor of the Town, against the offending real estate for expenses of such correction or removal of such. After notification, the penalty expenses will accumulate at the rate of \$35.00 per hour with a 1 hour minimum charge.
- j) It shall be unlawful for any person who shall own or occupy any house, structure, building, establishment, lot, or yard in the Town to permit or allow trash or rubbish dumpsters or containers of any kind to be placed nearer to the adjacent street than the front of the closest structure, except as temporarily necessary for pickup by commercial disposal contractors on the day of such pickup. The Town can provide for a penalty and obtain a lien, in favor of the Town, against the offending real estate for expenses of such correction or removal of such.

- k) No stripped down, wrecked, junked or wholly inoperable vehicle shall be kept, parked, stored, or maintained on any portion of the lot readily visible to the street or another lot, and shall be kept, parked, stored or maintained on other portions of a lot only within an enclosed structure or a screened area which prevents the view thereof from adjacent lots or streets. No dismantling or assembling of motor vehicles, or other machinery or equipment shall be permitted in any driveway or yard adjacent to a street.
- l) No clothes line shall be maintained or used that is visible from the street.

Article X PERMITS

SECTION 1: GENERAL INFORMATION:

- a) All contractors must show proof of a \$10,000 bond. Exceptions: State-licensed A/C contractors, and mechanical contractors who have proof of liability insurance.
- b) Applications for permits should be submitted at least fifteen (15) days prior to date of expected construction. No construction may be started prior to issuance of building permit. Forms are maintained at the Bayview Town Office.
- c) Where work for which a permit is required is started or proceeded with prior to obtaining said permit(s), the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person(s) from fully complying with the requirements of the applicable codes in the completion of the work.
- d) Building permits shall expire if construction is not started within one year.
- e) Remodeling and alterations to dwelling exterior to be charged a permit fee according to fees outlined below. Further, no electrical service either temporary or otherwise shall be permitted without a signed copy of the building permit, which has been approved and signed by the Building Inspector.
- f) Guest houses, servant's quarters, and other auxiliary structures, except pump houses and docks, shall not be permitted until the main one-family dwelling is started or until a \$1,000.00 bond has been posted guaranteeing construction of the main dwelling within a period of one year.
- g) Building permits shall be required for all construction, including walls, retaining walls and fences, pools, perimeter fences, driveways, specifically newly constructed driveways, not maintenance. This also includes mechanical construction any roofed-over structure whether a floor or not, and for modifications to existing structures which necessitate changes to the roof line except for pump houses which are not used as dual purpose buildings.
- h) Permits are not required for docks unless they are to be roofed over.
- i) Permits shall be required for all portable structures to be located on the premises for three months or longer. Permits shall be issued for a period not to exceed one year. A resident may get a permit for non-paying visitors to park a trailer, camper, or motor home on the resident's property for stays not to exceed fifteen (15) days. For stays of two weeks or less, no permit shall be required. A resident shall not charge a fee for parking the aforementioned vehicles.
- j) The Building Inspector shall be permitted entrance to any building during construction and immediately after completion to assure that all codes are met and that the building is in accordance with the plans approved by the Board of Alderpersons. The engineer has the authority to stop construction if the applicable codes or the approved plans are not being complied with.

- k) All construction, including accessory buildings and pump houses, shall conform to the National Electric Code, National Plumbing Code, and the Southern Standard Housing Code, which shall be the responsibility of the contractor to comply with.

SECTION 2: FEES:

a) Building and Construction Permits:

Fees will be based on the estimated cost of construction (valuation) based on information to the Building Inspector by the builder or contractor and/or in accord with construction cost values to be determined by the Building Inspector.

<u>VALUATION</u>	<u>FEE</u>
\$3,000 and less	\$50.00
\$3,001 to \$15,000	\$50.00 for the first \$3,000 plus \$7.00 per thousand or fraction up to \$15,000
\$15,000 to \$500,000	\$134.00 for the first \$15,000 plus \$5.00 for each additional \$1,000 or fraction up to \$500,000.
\$500,000 and up	\$2,425.00 for the first \$500,000 plus \$2.00 for each additional thousand.

b) Electrical Hook-up:

Permit Fee for new buildings or added-on buildings is \$25.00.

c) Septic System:

Permit Fees to include validation of perk test data and septic system design. Permits now issued by Cameron County Health Department as of June, 1996.

d) Plumbing System:

Test and Permit Fee is \$50.00.

e) Portable Structure

100 square feet or more is \$25.00.

Article XI

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 the passage of this Ordinance, and which entire building shall be complete within six (6) months from date of 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 complete within six (6) months from the date of the passage of this Ordinance. If the owner of said building fails to complete same within six months allowed, said owner, upon the showing of due diligence in construction, may receive from the Building Inspector a permit allowing completion of said building. If any amendment to this Order is hereafter adopted changing the boundaries of districts, the provisions of this Ordinance with regard to buildings, or premises existing or buildings under construction or building permits issued at the time of the passage of this Ordinance, shall apply to building or premises existing or buildings under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

Article XII

CERTIFICATE OF EXISTING BUILDINGS

Section 1:

No building hereafter erected, enlarged or structurally altered shall be used as a living quarters, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations. The Building Inspector shall be appointed by the mayor and confirmed by the Board of Alderpersons.

Section 2:

Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection and structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Town of Bayview and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 3:

No permit for construction of any building shall be issued before application has been made for a certificate of occupancy and compliance.

ARTICLE XIII BOARD OF ADJUSTMENT

Section 1:

There is hereby created a Board of Adjustment consisting of five (5) permanent members and two alternate members. The board of Alderpersons shall constitute the five permanent members. In addition thereto, the mayor shall appoint two alternate members to the Board of Adjustment from among the property owners of the Town of Bayview. Said alternate members shall serve on the Board of Adjustment in the absence of permanent members when requested to do so by the mayor.

Section 2:

The Board is hereby vested with power and authority in appropriate cases and subject to appropriate conditions and safeguards to make such exemptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with general and special rules therein contained for the purpose of rendering full justice and equity to the general public.

Section 3:

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

Section 4:

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

Section 5:

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

Section 6:

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, by publication in one issue of a newspaper of general circulation within the county at least one day prior to the hearing of an appeal, as well as, due written notice to the parties in interest and decide the same within a reasonable time.

Upon the hearing any party may appear in person or by attorney or by agent. Any person who takes any appeal to the Board of Adjustment shall be liable for and pay all expenses incurred by the Board of Adjustment in its consideration of the appeal.

Section 7:

The Board of Adjustment shall have the following powers:

- a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Ordinance.
- b) To hear and decide special exceptions to the terms of the Ordinance upon which the Board is required to pass under this Ordinance.
- c) To authorize upon appeal in special cases, such variances from the terms of the Ordinance as will not be contrary to the enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be preserved and substantial justice done.

Section 8:

In exercising its powers, the Board, may, in conformity with the provisions of Articles 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such 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.

Section 9:

Any appeal before the Board shall be heard by five members and the concurring vote of four members of the Board shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said Ordinance.

Section 10:

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, any officer, or department of the Municipality 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 the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the Office of the Board and not thereafter.

ARTICLE XIV PENALTIES

- a) Any person or corporation who shall violate any of the provisions of this Ordinance **or any Amendments thereto**, or fails to comply therewith or with any of the requirements thereof, or who shall build or alter any buildings in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and shall be liable to a fine and upon conviction of any such violation, shall be fined in any sum up to TWO HUNDRED DOLLARS (\$200.00) for each offense, and each day that such violation exists shall be considered a separate offense.

- b) The owner or owners of any building or premises or part thereof, where anything in violation of this order shall be placed, or shall exist, any architect, builder, contractor, agent, person and corporation, employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as provided above.

ARTICLE XV CHANGES AND AMENDMENTS

Section 1

- a) The Board of Alderpersons may from time to time amend, supplement, or change by Ordinance the regulations herein established.
- b) Before taking action on any proposed amendment, supplement or change, the Board of Alderpersons shall submit same to the Planning and Zoning Commission for this recommendation and report.
- c) A public hearing shall be held by the Zoning Commission and Board of Alderpersons before adopting any proposed amendment, supplement or change to this Zoning Ordinance. If the hearings are on the same day, simultaneously, the Zoning Commission must convene first, and then the Board of Alderpersons. If the Town does not have a Zoning Commission, the city council will serve that function too. Notice of the time and place of this hearing must be published in the official newspaper before the 15th day before the date of the hearing. This only has to be published one time.
- d) If the hearings are held on two separate dates, the Zoning Commission hearing would be first. That would require an open meeting notice, which is posting the agenda 72 hours in advance like a regular monthly meeting. The Zoning Commission then votes to make the recommended changes in the zoning ordinance to the city council. Fifteen days after the Zoning Commission hearing, the city council can convene. Notice of the time and place of this hearing must be published in the official newspaper before the 15th day before the date of the hearing. This only has to be published one time.
- e) When considering any proposed amendment, supplement or change, The Board of Aldermen shall follow Texas Local Government Code 211.006 "Procedures Governing Adoption of Zoning Regulations and District Boundaries" and 211.007 "Zoning Commission".

Section 2

- a) The Board of Aldermen may from time to time amend, supplement or change by Ordinance the boundaries of the districts.
- b) When considering any proposed amendment, supplement or change, The Board of Aldermen shall follow Texas Local Government Code 211.006 "Procedures Governing Adoption of Zoning Regulations and District Boundaries" and 211.007 "Zoning Commission".

ARTICLE XVI
VALIDITY CLAUSE

Should any part of this Ordinance be held invalid, no other part shall necessarily be affected thereby, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE XVII DEFINITIONS

The following shall apply in the interpretation and enforcement of this Order, to-wit:

Words used in the present tense include the future, words in the singular number include the plural number, the words in the plural number include the singular number; the word "Building" includes the word "Structure"; the word "Lot" includes the word "Plot"; the word "shall" is mandatory and not discretionary.

- 1) **Accessory Building**: A subordinate use or building customarily incident to and located on the lot occupied by the main use or building.
- 2) **Alley**: A public way which affords only a secondary means of access to property abutting on such public way.
- 3) **Building**: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animal, or property of any kind.
- 4) **Customary Home Occupations**: Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property when engaged in by the occupants of the dwelling and used as his or her private dwelling and when said home occupation involves only occasional visits by members of the public to the home. Said home occupation, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary, to the enjoyment of the premises for any of regulations governing the area, height and use of buildings are uniform.
- 5) **District**: One of the zoning classifications in the city for which the regulations governing the area, height and use of buildings and land are uniform.
- 6) **Driveway**: A way or place in private ownership and used for vehicular travel by the owner and those having access or implied permission from the owner but not by other persons.
- 7) **Dwelling – One (single) Family**: A detached building having accommodations for and occupied by only one family.
- 8) **Dwelling – Two Family (duplex)**: A detached building which has two dwelling units with separate accommodations for, and occupied by, not more than two families.
- 9) **Dwelling - Multiple**: A building used or designed as a residence for three (3) or more families or households living independently of each other.
- 10) **Family**: A family is any number of individuals living together as a single housekeeping unit; as distinguished from a group occupying a boarding house, a lodging house, or both, or hotel as herein defined.
- 11) **Front yard**: The front portion of each lot or lots from the front building line to the front line of the lot or lots.

- 12) **Garage**: A structure with parking capacity for private vehicles, with capacity of not less than two motor-driven vehicles and not more than five motor-driven vehicles.
- 13) **Hotel**: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, in which provisions are not made for cooking in any individual apartment, and in which there are more than Twelve (12) sleeping rooms, a public dining room for the accommodations of more than Twelve (12) guests, and a general kitchen.
- 14) **Institution**: A building occupied by a non-profit corporation or non-profit establishment for public use.
- 15) **Lodging House**: A building other than a hotel where lodging for five (5) or more persons is provided for compensation.
- 16) **Lot**: A parcel of land whose boundaries have been established by a legal instrument, such as a recorded deed or plat which is recognized as a separate legal entity for purposes of transfer of title and which is occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this order, and having its principal frontage upon a public street or officially approved place:
- 17) **Lot Lines**: The lines bounding a lot as defined herein.
- 18) **Lot - Corner**: A lot situated at the junction of two or more streets.
- 19) **Non-conforming uses**: A building or premises occupied by a use that does not conform to the regulations of the use in the district in which it is situated.
- 20) **Open Space**: Area included in any side, rear or front yard of a lot that is open and unobstructed to the sky and occupied by no building whatsoever.
- 21) **Persons**: The word "Person" when used in this order shall for the shall for the purpose of this ordinance, mean every person, firm, co-partnership, association, partnership, corporation or society; and the term "Person" shall include both singular and plural and masculine shall embrace the feminine gender.
- 22) **Rear yard**: The rear portion of each lot or lots between the main building and the rear lot line.
- 23) **Side Yard**: An open unoccupied space on the same lot with a building situated between the building and the side line of the lot, and extending through from any street or from the front yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.
- 24) **Street**: Any public thoroughfare dedicated to the public or use of property owner within the Town.
- 25) **Structural Alterations**: Any change in the supporting member of a building such as bearing walls, columns, beams or girders.
- 26) **Temporary Building**: A structure which is transportable in one or more sections, which

is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

27) **Townhouse:** A Townhouse is a detached building which has two or more dwelling units, typically two-story or three-story, with separate accommodations for, and occupied by, not more than one family per unit.

28) **Variance:** A grant of permission by the board of adjustment or city council that authorizes the recipient to do what he otherwise could not do according to the strict letter of these ordinances.

Effective Date. This Ordinance shall become effective immediately upon its passage and approved by the Board of Alderpersons.

PASSED and APPROVED ON this 21st day of May 2009.

Leon A. Deason, Mayor

ATTEST:

Janis Silveri, City Secretary

