

ORDINANCE

AN ORDINANCE ADOPTING THE PROVISIONS OF ACTS 1927, 40TH., LEG., P. #24, CH 283; SETTING FORTH THE PURPOSE OF ZONING; PROVIDING FOR THE METHOD OF PREPARATION; PROVIDING FOR THE DIVISION OF THE CITY OF RAYMONDVILLE INTO DISTRICTS; PROVIDING FOR THE ADOPTION OF THE REGULATIONS TO BE IMPOSED UPON THE USE OF LAND, BUILDINGS AND STRUCTURES IN EACH DISTRICT AND PROVIDING FOR NON-CONFORMING USES; PROVIDING ZONING DESIGNATIONS; PROVIDING FOR THE COMPLETION OF EXISTING BUILDINGS; PROVIDING FOR CHANGES AND AMENDMENTS; PROVIDING DEFINITIONS; PROVIDING A SAVING CLAUSE; PROVIDING FOR CUMULATIVE PROVISIONS; PROVIDING FOR THE REPEAL OF THE TEMPORARY ZONING ORDINANCE; PROVIDING A PENALTY OF NOT LESS THAN ONE (\$1.00) DOLLARS NOR MORE THAN ONE HUNDRED (\$100.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RAYMONDVILLE, TEXAS.

SECTION 1.

PURPOSE. That the City of Raymondville, Texas hereby adopts the provisions of Acts 1927, 40th Legislature, Page #24, Chapter 283, classified as Articles 1011a to 1011j, both inclusive, in Vernon's Annotated Statutes of Texas of 1927.

The zoning map and zoning regulations as herein established have been prepared in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City of Raymondville. They have been prepared with careful consideration for particular uses, the conservation of the value of both land and improvements and the encouragement of the most appropriate uses of property throughout the City of Raymondville.

SECTION 2.

GENERAL. Zoning districts and regulations as herein set forth are approved and established. The City of Raymondville is hereby divided into four classes of districts as follows:

- (1) Residential
- (2) Community Center
- (3) Commercial
- (4) Industrial

All districts are clearly shown upon the zoning map which accompanies this ordinance and is hereby declared to be a part hereof. All notations, references and other information shown upon the said zoning map are hereby made a part of this ordinance and shall be considered as much a part of same as if the matters and information set forth by said zoning map were fully described herein.

Except as hereinafter provided, no building or premises shall hereafter be used, and no building shall be erected or structurally altered, except in conformity with the regulations herein prescribed for the district in which such building or premises is located.

SECTION 3.

RESIDENTIAL DISTRICT. In this district no building or premises shall be used, and no building shall be erected or structurally altered, which is arranged or designed to be used for other than one or more of the following uses:

- (1) One family residence, two family residence,
- (2) Church, parish house, school, college or library.

- (3) Such telephone facilities as are provided for in the Acts, 1917, 40th, Sec. 283, see 8a.
- (4) Fire station, police station, artesian well, pumping station, water supply reservoir, filter bed, water tank or towers.
- (5) Public Park, playground, tennis courts, swimming pool, wading pool or other park activities not operated as a commercial enterprise.
- (6) Museum, art gallery, auditorium or community building.
- (7) Truck gardening, orchard, nursery, provided no sales are made at such premises.
- (8) Accessory building, customarily incident to a residence on the same lot.
- (9) Customary home occupations and uses customarily incident to the above when located upon the same lot. Such uses may include the office of a physician, surgeon, dentist, musician, lawyer, artist, architect, or engineer when situated in the same building used for residential purposes.
- (10) A name plate not exceeding two square feet in area or a sign not exceeding eight square feet in area pertaining to the lease or sale of property on which such sign is located or the activities carried on in a public or a semi-public building shall be permitted as an accessory use.

SECTION 4

COMMUNITY CENTER. In this district no building or premises shall be used and no building shall be erected 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 the Residential District.
- (2) Commercial billboard, advertising sign, streamer or symbol.
- (3) Public service station.
- (4) Tourist camp or trailer camp.
- (5) Antique shop, auto greasing, barber shop, beauty shop, building storage or washing, barber shop, beauty shop, building contractor's office, carpenter's shop, electrician's shop, electrical shop, florist's shop, fruit shop, furniture repair and pressing plant, electrician's shop, equipment storage, gasoline filling station, grocery, painting drugstore, house painting, lunch room, material storage, mattress removing, plumber's shop, private club, radio repairing sign painting, auto painting, transfer office, trucking, hand laundry, watercolor garden and similar occupations, provided no mechanical power units in excess of five horsepower each are used in connection with any of the above and further provided that such use is not noxious or offensive by reason of the emission of smoke, dust or odorous fumes or gases.
- (6) Accessory buildings and uses customarily incident to the above when located upon the same lot.

SECTION 5

COMMERCIAL DISTRICT. In a commercial district no building or premises shall be used, and no building shall be erected 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 the Residential District, Community Center.
- (2) Retail store or shop in which articles are sold at retail on the premises provided mechanical power units not in excess of ten horsepower each are used and

further provided such use is not noxious or offensive by reason of the emission of smoke, dust, odor, fumes or gases.

(3)

Office building, battery shop, laundry, office miniature golf course, moving picture show, post office, telegraph office, theatre tire shop and similar uses. Automobile sales rooms, bottling work, bus station, cold storage plant, commercial amusement, creamery, dance hall, dyeing establishment, engraving plant, freight station, ice cream manufacturer, laundry, loading or storage trucks, lumber yard, milk depot, monument works, mortuary, pasteurizing plant, printing plant, public garage, skating rink, auto or bus storage, warehouse wholesale office, storage of materials in buildings, warehousing, manufacturing or commercial enterprise not herewith listed, liquor or beer parlor.

SECTION 6.

INDUSTRIAL. In the Industrial District any building or premises may be erected or structurally altered for any lawful use.

SECTION 7.

THE FOLLOWING PROVISIONS SHALL PREVAIL IN RESIDENTIAL AND COMMUNITY CENTER DISTRICTS.

ACCESSORY BUILDINGS. Accessory buildings including private garage shall be located not less than sixty (60) feet back from the front lot line, not less than three (3) feet back from the rear lot line, and not less than twenty (20) feet back from any side street line (curb line) not less than three (3) feet back from any side lot line not a side street, provided, however, that a private garage may be constructed as a part of the main building or attached to it by a covered passage.

In the Residential District there shall be a front yard having a depth of not less than twenty-five (25) feet from the property line to the front line of the building, covered porch or covered terrace, or attached accessory building.

In the Community Center District there shall be a front yard having a depth of not less than fifteen (15) feet from the property line to the front line of the building, covered porch or covered terrace, or attached accessory building.

FENCES OR HEDGES. A fence, hedge, or enclosure wall, provided any fence, hedge or enclosure wall extending closer than twenty-five (25) feet to the front line street (curb line) shall not exceed a height of three (3) feet, and any fence or enclosure wall on a corner lot and situated within twenty (20) feet from the side street line (curb line) shall not exceed a height of three (3) feet. Except in a Community Center District, where no such fence, hedge or enclosure wall shall be closer than fifteen (15) feet to the front line, or on a corner shall not be within ten (10) feet from the side street line.

ON CORNER LOTS. On corner lots the side yard regulations shall be the same as the interior lots except in the case of reverse frontage, when the corner lot faces an intersecting street, in which case there shall be a side yard of fifteen (15) feet from the property line. No accessory building on said corner shall project beyond the

front building line on the lots in the rear. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, and of record at the time of passage of this ordinance, to less than 25 (twenty-five) feet, nor to prohibit the erection of an accessory building where this regulation can not reasonably be complied with.

REAR YARD-SIDE YARD. There shall be a rear yard along the rear line of lot. The minimum depth of such yard shall be twenty-five (25) feet. There shall be a side yard along each line of the lot other than a front line having a width of not less than (10) feet.

SECTION 8.

The servants' quarters, in the residential district, shall not be leased or rented to anyone other than to a family of a bona fide servant giving more than fifty (50%) percent of his or her time to the family occupying the premises to which the servants' house is an accessory building.

SECTION 9.

NON-CONFORMING USES. Any use of property existing at the time of the passage of this ordinance which does not conform to the regulations hereinafter enumerated shall be deemed a non-conforming use and may be continued and maintained for the purposes heretofore used, but shall not be structurally altered or enlarged and to the improvements thereon shall not be restored for use if destroyed any such non-conforming use shall not be changed to any other non-conforming use.

SECTION 10.

ENFORCEMENT. The provisions of this ordinance shall be enforced by the Building Inspector of the City of Raymondville under the direction of the City Commission. Applications for building permits shall be made upon a prescribed form. Upon receipt of an application for a building permit the building inspector shall, as soon as practical check the application for compliance with the terms hereof; the Building Inspector shall issue a building permit. If it does not comply therewith, he shall not issue a building permit but shall retain the application, endorse his reasons for refusal thereon and file with the records of his office. In case the applicant desires to appeal from the Building Inspector's refusal to issue the said permit the latter shall assist the applicant in the preparation of an appeal to the City Commission.

That any person, firm or corporation aggrieved or affected by any decision or act of any decision or act of any administrative officer of the City of Raymondville, acting under and virtue of the zoning ordinance of the City of Raymondville and amendments thereto, may appeal to the City Commission of the City of Raymondville specifying the grounds thereof.

The officer from whom the appeal is taken shall forthwith transmit to the City Secretary all the papers constituting the record upon which the action appealed from was taken. Such appeal shall stay all proceedings in the furtherance of the action appealed from until the next regular meeting of the City Commission, unless such appeal is taken up for consideration by said City Commission, before such regular meeting and the City Commission may grant a further stay of proceedings as it may, in its judgment decide is proper and right in the matter, and there shall be no further stay of proceedings after the City Commission has taken the matter up for consideration unless said City Commission expressly so orders.

When in its judgment the City Commission decides that said appeal involves an application for special exception to the regulations of the zoning ordinance of the City of Raymondville and is further of the opinion that the public convenience and welfare will not be substantially or permanently injured it shall, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations of the zoning ordinance as follows:

Grant in Commercial Districts the privilege of using different machinery motors, dynamos, etc. other than provided in said ordinance when, in the opinion of said City Commission, such special privilege will not interfere with the spirit of said zoning ordinance.

Grant a variation in the location of an accessory building in a Residential District.

Permit the reconstruction of a building occupied by a non-conforming use or permit the extension of a non-conforming use upon the lot occupied by such use.

To authorize the change of a non-conforming use to a different type of non-conforming use.

Permit in any district such modification of these regulations as said City Commission may deem necessary to secure an appropriate development of the lot where adjacent to such lot on two or more sides there are buildings that do not conform to these regulations.

Permit in a Residential District, a community store district use or commercial district use of a lot adjoining a first manufacturing district, or a commercial district use so that there will be a stepping down from the more restricted to the less restricted use.

Grant in undeveloped sections of the City of Raymondville any conditional permits for any structure or use for a period not to exceed six (6) months.

In the event said appeal involves a decision of the Building Inspector interpreting the terms of the zoning ordinance, then in such event the said City Commission shall make interpretations of said ordinance, granting the appeal or denying it as, in its opinion, is right and proper so as to conform and not inconsistent with the zoning ordinance of the City of Raymondville and amendments thereto.

SECTION 11.

ZONING MAP DESIGNATIONS. When definite distances in fact are not shown upon the zoning map the district boundaries are intended to be along existing street, alley or property lines or extensions thereof. When the location of a district boundary is not otherwise determined, it shall be ascertained by measurement according to the scale of the map. The City Commission shall apply the designations shown in such a way as to carry out the intent and purpose of zoning map for the particular area in question.

SECTION 12.

COMPLETION OF EXISTING BUILDINGS. Nothing herein contained shall require any change in the plans, specifications, construction or intended use of a building actually under construction or intended

of the passage of this ordinance or for which an unexpired building permit has been issued.

SECTION 13.

CHANGES AND AMENDMENTS. The City Commission of the City of Raymondville Texas may, from time to time, amend, supplement or change by ordinance the boundaries of the districts herein established, or the regulations herein contained. The City Commission shall give notice to the citizens in the City of Raymondville of such proposed amendment, supplement or change and of a public hearing to be held in connection therewith, by publication in the official papers of the City of Raymondville once a week for three consecutive weeks, such notice shall state the time, place and nature of such public hearing and such hearing shall not be held earlier than twenty-one (21) days from the date of first publication of said notice.

The City Commission shall thereafter and in accordance therewith hold such public hearing. If there is a protest filed with the City Secretary against such proposed amendment, supplement or change, duly signed by the owners of twenty (20 per cent) percent or more, either of the area thereof, extending 150 feet therefrom or of those directly opposite thereto, extending 150 feet from the street frontage of such opposite lots, such proposed amendment, supplement or change shall not become effective except by a majority vote of all of the members of the City Commission.

SECTION 14.

DEFINITIONS. Words in the present tense shall include future; words in the singular shall include the plural number and words in the plural number shall include the singular; the word "buildings" shall include the word "structure" and word "lots" shall include the word "plots".

ACCESSORY. A subordinate use or separate building customarily incidental to and located upon the same lot with the main use or building.

ACCESSORY BUILDING. A small building for subordinate use such as is customarily used in connection with the use of the main building located upon the same lot, but not attached to main building.

CUSTOMARY HOME OCCUPATIONS. Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property. These may include serving meals or renting rooms to not more than three persons not members of the household, dressmaking, millinery, washing and ironing. Customary home occupations shall not include barber shops, beauty shops, carpenter's shops, electrician's shops, plumber's shops, radio shops, tinner's shops, transfer or moving van offices, auto repairing, auto painting, furniture repairing or sign painting.

FAMILY. A family is any number of individuals living together as a single housekeeping unit.

NAME PLATE. A sign containing only the name, house or apartment number and occupation of the resident.

NON-CONFORMING USE. A building or premises occupied by or devoted to a use that does not conform to the regulations of the district in which it is located.

ONE FAMILY RESIDENCE. A detached building having accommodations for and occupied by only one family, containing not less than five hundred (500) square feet of floor space.

PUBLIC GARAGE. Any premises used for the storage of, housing or care of motor driven vehicles, where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any increase in the floor area.

TWO-FAMILY RESIDENCE. A detached building having separate accommodations for and occupied as a residence by two families, and containing not less than seven hundred fifty (750) square feet of floor space.

SECTION 15.

PROVISIONS CUMULATIVE. No provisions of this ordinance shall be held to repeal any other ordinance or any provisions thereof except where in direct conflict herewith and the provisions thereof ordinance shall be held cumulative of other ordinances with reference to matters contained herein, except in cases of conflict, in which event the provisions of this ordinance shall prevail.

SECTION 16.

VALIDITY OF THE ORDINANCE. If any section, paragraph, sub-division, clause, phrase or provision of this ordinance shall be adjudged invalid or shall be held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof, other than the part of provision thereof so decided to be invalid or unconstitutional.

SECTION 17.

REPEAL OF TEMPORARY ORDINANCE. Temporary zoning ordinance covering the submission of all applications for building permits to the City Planning and Zoning Commission for approval before issuance by the Building Inspector and creating the zoning commission is hereby repealed.

SECTION 18.

PENALTY AND VIOLATION. Any person, firm or corporation violating any of the provisions of this ordinance or who shall fail to comply with any of the requirements hereof, or who shall fail or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one (\$1.00) dollar nor more than One Hundred (\$100.00) Dollars, and each day such violation continues or exists shall constitute a separate offense. The owner or owners of any buildings or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist and any architect, builder, contractor or agent, person or 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 herein provided.

SECTION 19.

WHEN EFFECTIVE. Whereas, on account of the lack of adequate ordinances and regulations controlling the construction and use of buildings and other structures within the City of Raymondville and the lack of restrictions regulating the uses to which lands and buildings of the City of Raymondville may be devoted, creates an emergency in behalf of the public peace, health, safety and general welfare and

this ordinance shall take effect and be in force from and after its passage and publication in one issue of the local newspapers in the City of Raymondville, Texas and it is so ordained.

PASSED AND APPROVED this the 8th day of September, 1948, A.D.

ATTEST:

(S) C. Stephens, Ass't
City Secretary

(S) Charles R. Johnson
Mayor