

Secs. 229--234. Reserved.

**DIVISION 3. PROPERTY DEVELOPMENT STANDARDS**

**Sec. 235. Table.**

The property development standards table of this section provides a summary of the development standards that apply within zoning districts. The table is intended for reference and may not reflect all of the regulations and standards that apply to particular uses. If a conflict occurs between the table and the standards found within the individual district sections in Article VI of this Ordinance, the text of the individual district regulations shall control. The measurements and exemptions found in Sections 236--238 provide an explanation of terms used, as well as a number of exceptions and special rules that apply.

PROPERTY DEVELOPMENT STANDARDS TABLE

TABLE INSET:

Development Standard	Zoning District			
	NC	UN	MU	I
<i>Single-Family Detached Dwellings</i>				
Minimum lot area per unit (sq. ft.)	5,400	5,400	5,400	5,400
Front yard setbacks (ft.)	15	15	15	15
Rear yard setbacks (ft.)	10	10	10	10
Interior side yard setbacks (ft.)	5	5	5	5
Street side yard setbacks (ft.)	10	10	10	10
Maximum height (ft.)	35	40	40	40
<i>Single-Family Attached Dwellings</i>				
Minimum lot area per unit (sq. ft.)	3,500	2,500	2,500	2,500
Front yard setbacks (ft.)	15	15	15	15
Rear yard setbacks (ft.)	10	10	10	10
Interior side yard setbacks (ft.)	5	5	5	5
Street side yard setbacks (ft.)	10	10	10	10
Maximum height (ft.)	35	40	40	40
<i>Large Lot Estate</i>				
Minimum lot area (acre)	1	1	1	1
Front yard setbacks (ft.)	40	40	40	40
Rear yard setbacks (ft.)	20	20	20	20

	Side yard setbacks (ft.)	10	10	10	10
	Maximum lot width (ft.)	120	120	120	120
	Minimum street frontage (ft.)	60	60	60	60
<i>Duplex Dwellings</i>					
	Minimum lot area per unit (sq. ft.)	3,000	3,000	--	--
	Front yard setbacks (ft.)	15	15	--	--
	Rear yard setbacks (ft.)	10	10	--	--
	Interior side yard setbacks (ft.)	5	5	--	--
	Street side yard setbacks (ft.)	10	10	--	--
	Maximum height (ft.)	35	40	--	--
<i>Multifamily Dwellings</i>					
	Minimum lot area per unit (sq. ft.)	N/A	2,000	--	--
	Front yard setbacks (ft.)	N/A	15	--	--
	Rear yard setbacks (ft.)	N/A	10	--	--
	Interior side yard setbacks (ft.)	N/A	5	--	--
	Street side yard setbacks (ft.)	N/A	10	--	--
	Maximum height (ft.)	N/A	40	--	--
<i>Other Uses</i>					
	Minimum lot size	5,400	5,000	--	--
	Front yard setbacks (ft.)	15	15	--	--
	Rear yard setbacks (ft.)	10	10	--	--
	Interior side yard setbacks (ft.)	5	5	--	--
	Street side yard setbacks (ft.)	10	10	--	--
	Maximum height (ft.)	30	40	--	--

**Sec. 236. Lot size/lot area.**

Lot size or lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this Ordinance, with the following exceptions:

- (1) *Lot size reduction for public purpose.* When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum lot size

for the district in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this Ordinance.

(2) *Utility facilities.* Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of all districts.

(3) *Single-family dwelling exemptions.* The minimum lot size requirements of this Ordinance shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted or recorded prior to the effective date of this Ordinance.

**Sec. 237. Setbacks.**

(a) *Generally.* Under this Ordinance, a setback refers to the unobstructed, unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this Ordinance. Nothing within the setback may obstruct the clear sight triangle.

SETBACKS

NC DISTRICT

(b) *Features allowed.* The following features may be located within required setbacks:

(1) Trees, shrubbery or other features of natural growth, provided that no plant or hedge shall be more than 2.5 feet above the street curb level within the clear sight triangle (see definitions);

(2) Fences or walls, provided that no fence or wall shall be more than 2.5 feet above the street curb level within the clear sight triangle (see definitions);

(3) Driveways, off-street parking areas and sidewalks;

(4) Signs;

(5) Bay windows, architectural design embellishments and cantilevered floor areas of dwellings that do not project more than two feet into the required setback;

(6) Eaves that do not project more than 2 1/2 feet into the required setback;

(7) Open outside stairways, entrance hoods, terraces, canopies, carports and balconies that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;

(8) Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;

(9) Open, unenclosed porches that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;

(10) Utility lines, wires and associated structures, such as power poles; and

(11) Mechanical equipment, such as air conditioning units, pool filtering and heating equipment, water softeners and similar equipment, if the equipment does not restrict access through such setbacks and if it is totally screened from view from abutting property and rights-of-way by fences, walls or landscaping.

(c) *Setback averaging.* If the existing front setbacks of lots within the same block and district and fronting on the same side of the street are less than the required front setback of the underlying district, applicants shall be allowed to use the average front setback on the block. In such cases, the average setback shall represent the mean (average) setback of all lots on the same side of the street within the same block, provided that lots that are not developed with the same type of use that is proposed on the subject property shall not be included in the calculation. When one or more of the lots on the block are vacant, the normally required setback for the vacant lot shall be used in calculating the average setback. This shall not be interpreted as requiring a greater front setback than imposed by the underlying district.

(d) *Reduction of setback for public purpose.* When an existing setback is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 75 percent of the required minimum setback for the district in which it is located, the remaining setback shall be deemed to be in compliance with the minimum setback standards of this Ordinance.

#### **Sec. 238. Height.**

(a) *Generally.* Height refers to the vertical distance between the average finished grade at the base of the building and (i) the highest point of the coping of a mansard or flat roof or (ii) the midpoint between the eaves and ridgeline of a gable, hip or gambrel roof. For fences or walls, height shall be measured on the side with the least vertical exposure above the finished grade to the top of the fence or wall.

#### MEASURING HEIGHT

(b) *Exemptions.* The following structures and features shall be exempt from the height requirements of this Ordinance to the extent indicated:

- (1) Chimneys, smokestacks or flues;
- (2) Cooling towers and ventilators;
- (3) Elevator bulkheads and stairway enclosures;
- (4) Utility poles and support structures;
- (5) Belfries, spires and church steeples;
- (6) Tanks, water towers and silos; and
- (7) Monuments and ornamental towers.

Sec. 239--244. Reserved.

#### **DIVISION 4. OFF-STREET PARKING REQUIREMENTS**

##### **Sec. 245. Administrative procedure.**

The administration and inspection requirements of this Division shall be the responsibility of the building official. The building official shall determine compliance with this Division prior to the approval or the issuance of a building permit.

##### **Sec. 246. Granting of exceptions.**

The building official is granted the authority to issue a building permit where there are minor discrepancies with regard to the requirements established in this Division, where it is determined that the literal application of such requirements would constitute an undue hardship with regard to the applicant's particular circumstances and would not be essential in accomplishing the objectives of this Division. In areas that are fully or near fully developed, a variance of up to 30 percent of the number of off-street parking spaces required in this Division shall be allowed by the building official if the conversion of a structure from a nonresidential use to another use would require the addition of more off-street parking and if it is determined that the literal application of such revisions would constitute an undue hardship with regard to the applicant's particular circumstances and would not be essential in accomplishing the objectives of this Division. If the applicant is dissatisfied with the decision of the building official with regard to a requested exception, the applicant shall be entitled to appeal such decision to the Board.

##### **Sec. 247. Minimum requirements for spaces.**

There shall be provided, at such time as a building permit is issued for the erection, alteration or use change of a structure, off-street parking spaces in accordance with the following minimum requirements:

- (1) *Bowling alley*: Five parking spaces for each lane;
- (2) *Business or professional office, studio, bank, medical or dental clinic*: Three parking spaces plus one additional parking space for each 200 square feet of floor area over 500;

- (3) *Religious institution, theater, auditorium (except school), sports arena, stadium or gymnasium:* One parking space for each four seats or bench seating spaces;
- (4) *Community recreation center, library, museum or art gallery:* Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains;
- (5) *Dancehall, assembly or exhibition hall without fixed seats:* One parking space for each 100 square feet of floor area used thereof;
- (6) *Fraternity, sorority or dormitory:* One parking space for each three beds;
- (7) *Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop:* Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000;
- (8) *Hospital or hospice:* Four parking spaces plus one additional parking space for each four beds;
- (9) *Hotel:* One parking space for each sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein;
- (10) *Industrial plant:* The number of parking spaces required to accommodate all plant employees and construction forces on any single shift;
- (11) *Mortuary or funeral home:* One parking space for each 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms;
- (12) *Motor vehicle sales room and used car lot:* One parking space for each 800 square feet of sales floor or lot area;
- (13) *Private club, lodge, country club or golf club:* One parking space for each 150 square feet of floor area or for every five members, whichever is greater;
- (14) *Restaurant, nightclub, cafe or similar recreation or amusement establishment:* One parking space for each 100 square feet of floor area;
- (15) *Retail store or personal service establishment, except as otherwise specified in this section:* One parking space for each 200 square feet of retail sales or floor area;
- (16) *Roominghouse or boardinghouse:* One parking space for each sleeping room;
- (17) *Sanitarium, nursing home, child care institution, home for the aged or similar institution:* One parking space for each six beds;

(18) *School, elementary*: One parking space for each ten seats in the auditorium or main assembly room or one space for each classroom, whichever is greater;

(19) *School, secondary, and college*: One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater;

(20) *Tourist home, cabin or motel*: One parking space for each sleeping room or suite; and

(21) *Townhouse, two-family and multifamily dwelling*: 2 1/4 spaces per dwelling unit. Guest parking is to be provided within 300 feet of each dwelling unit.

**Sec. 248. Rules for computing number of spaces.**

In computing the number of parking spaces required for each of the uses listed in section 247, the following rules shall govern:

(1) Floor area shall mean the foundation area of the specified use. For a multistory building, each story shall be considered a separate foundation area, so that the total floor area of such building shall include the area of all floors added together;

(2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number;

(3) The parking space requirement for a use not specifically mentioned in this Division shall be the same as required for a use of a similar nature; and

(4) For mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

**Sec. 249. Construction or use changes.**

Whenever a building or use is constructed or changed after the effective date of the Ordinance by enlarging the floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a requirement for an increase in the number of parking spaces, such spaces shall be provided on the basis of the enlargement or the change in use.

**Sec. 250. Location of spaces.**

All parking spaces required in this Division shall be located on the same lot with the building or use served, except as follows:

(1) Where an increase in the number of spaces is required by a change or enlargement of the use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be

located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other nonresidential building served;

(2) No more than 50 percent of the parking spaces required for theaters, bowling lanes, dancehalls, nightclubs or cafes may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified in Subsection (4) of this Section;

(3) Not more than 80 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified in Subsection (4) of this Section; and

(4) When the required parking spaces are not located on the same lot with the building or use served or when such spaces are collectively or jointly provided and used, a written agreement thereby assuring their intention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City attorney, and shall be filed with the application for a building permit.

**Sec. 251. Minimum dimensions.**

The minimum dimensions for off-street parking spaces required under this Division shall be as follows:

(1) *Ninety-degree angle parking.* Each parking space shall be not less than nine feet wide or less than 18 feet in length. Maneuvering space shall be in addition to parking space and shall be not less than 23 feet perpendicular in width;

(2) *Sixty-degree angle parking.* Each parking space shall be not less than nine feet wide perpendicular to the parking angle or less than 17 feet in length when measured at the appropriate angles. Maneuvering space shall be in addition to parking space and shall be not less than 20 feet in width;

(3) *Forty-five-degree angle parking.* Each parking space shall be not less than nine feet wide perpendicular to the parking angle or less than 19 feet in length when measured at the appropriate angles. Maneuvering space shall be in addition to parking space and shall be not less than 11 feet in width; and

(4) *Other.* Where off-street parking facilities are provided in excess of the minimum amounts specified in this Division or when off-street parking facilities are provided but not required by this Division, the off-street parking facilities shall comply with the minimum dimensions for parking and maneuvering space specified in this section.



**Sec. 252. Design standards.**

The design of driveways, off-street parking stalls and curb cuts shall be in accordance with generally accepted municipal engineering standards and practices as determined by the building official.

**ARTICLE VIII. OVERLAY DISTRICT REGULATIONS**

**DIVISION 1. IN GENERAL**

**Sec. 253. Purpose.**

- (a) Designation of an area intended as a zoning overlay district merely supplements the primary underlying zoning district classification.
- (b) The height of structure shall be determined by the regulations set forth for the underlying, primary zoning district classification except where more restrictive height and area regulations are specified in an overlay zone.
- (c) If there is any conflict between the provisions of this article and other provisions of this Ordinance, the most restrictive regulation shall apply in the absence of a specific directive to the contrary.

**Sec. 254. Authority.**

The City Council may designate overlay districts and define, amend, and delineate the boundaries thereof in accordance with this article if the proposed overlay district project would result in a greater benefit to the City than would development under the base zoning district regulations. In designating an overlay district, the City Council may impose such other conditions as are deemed necessary to accomplish the purposes of this Ordinance and the City's comprehensive plan.

**Sec. 255. Initiation; removal.**

- (a) *Initiation.* An application for an amendment to the official zoning map to provide for an overlay district may be proposed by the owner(s) of property within the proposed overlay district.
- (b) *Removal.* An application for an amendment to the official zoning map to remove an overlay district may be proposed by:
  - (1) All of the owner(s) of property within the overlay district; or
  - (2) the mayor, a member of the City Council or the City manager, if the property is not being developed in accordance with the master development plan approved by the City Council.

**Sec. 256. Submission of application.**

- (a) *Application.* An application concerning an overlay district shall be subject to and must satisfy all provisions of section 131.

(b) *Master development plan.* The application must also include a master development plan of the development, which shall be incorporated into any ordinance establishing the requested overlay district. The plan shall control development within an overlay district to the extent specified in the ordinance creating the overlay district. The master development plan must include at a minimum the following:

- (1) A comparison of the proposed development with the standards of underlying zoning district and a statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable zoning and development regulations;
- (2) Identification of site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses;
- (3) A narrative addressing the proposed development explaining and tabulating the land uses by gross acre, number of dwelling units by housing type, maximum building coverage by land use type, residential density and/or square footage of non-residential uses per net acre, common area and open space acreage, potential traffic generation, overall character and architectural style, the relationship of the proposed development to existing development in the area and other related development features;
- (4) A site plan drawn to scale of the entire proposed overlay district, which shall include, but not limited to, the location of buildings, parking lots and circulation, streets, parks, utility easement, the building height, setbacks from all boundaries, trails and trail connections, utilities, existing and proposed land uses, common area, open space, landscaping plan, a conceptual drainage plan and entrance locations on existing roads;
- (5) Density and dimensional standards to be applicable within the proposed overlay district;
- (6) A statement of how the proposed development is consistent with the City's comprehensive plan; and
- (7) The minimum lot square footage for all uses, including the minimum lot width and depth;
- (8) Information relating to the transition between and buffering of different uses;
- (9) The variation from normal zoning and subdivision provisions needed to implement the plan; and
- (10) Other relevant information as may be requested by the director of planning and development services.

**Sec. 257. Procedures to create overlay districts.**

- (a) Overlay districts shall be created pursuant to the procedures in Section 128 of this Ordinance unless expressly specified otherwise in this Article.
- (b) Eighteen copies of the master development plan, which is to be considered by the City Council, must be submitted to the Zoning Administrator at least ten days prior to the meeting during which the City Council will consider the plan.

**Sec. 258. Required open space.**

- (a) All overlay district developments shall include a minimum 15 percent of the gross land area as open space and shall be depicted in the site plan required in section 131. Parking areas shall not be counted toward the open space requirement; however, a retention or detention area will. Open space shall be designed so that all residents of the overlay district shall have reasonable access to it.
- (b) The open space required for overlay districts shall not be maintained by the City. Adequate provision shall be made for a community association or other legal entity with direct responsibility to, and control by, the property owners involved in accordance with and meeting all requirements of the Ordinances of the City.

**Sec. 259. Overlay district map.**

The boundaries of any overlay district established by the City Council pursuant to this article shall be shown on the official district map created and maintained as required pursuant to section 031.

Secs. 260--264. Reserved.

**DIVISION 2. PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

**Sec. 265. Purpose.**

The purpose of this division is to encourage the appropriate development of tracts of land of sufficient size to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of this Ordinance and the City's comprehensive plan. The provisions of this division are intended to:

- (1) Promote innovative and creative design of residential and nonresidential areas;
- (2) Promote efficient use of land by facilitating a more economic arrangement of buildings, infrastructure, circulation systems, land use and facilities;
- (3) Encourage high standards in the layout, design and construction of residential and nonresidential development and promote opportunities for varied housing types;

- (4) Conserve, protect and enhance the natural environment through flexibility of design and development within a PUD, and preserve environmentally sensitive lands;
- (5) Allow a diversification of uses, structures, and open space in a manner compatible with both the surrounding, existing and approved development of land surrounding and abutting the PUD site;
- (6) Provide more useable and suitably located open space and recreation facilities, as well as other public and common facilities than would otherwise be provided under conventional land development planning practices; and
- (7) Achieve harmonious building and site designs.

**Sec. 266. Designation.**

(a) *Criteria for designation.* A designation for a planned unit development overlay district may be made if:

- (1) The PUD overlay district project would result in a greater benefit to the City than would development under the base zoning district regulations; and
- (2) The site of the proposed PUD overlay district contains at least ten acres of contiguous land, unless Council finds that the property of less than ten acres is suitable by virtue of its unique historical character, topography or other natural features or unique design layout of proposed subdivision; and
- (3) The PUD overlay district project satisfies all other provisions of this article and is consistent with the City's comprehensive plan.

(b) *Process for designation* . The initiation, application and procedure to establish a PUD overlay district shall be in accordance with division 1 hereof. Additionally the master development plan must include:

- (1) The existing and proposed use of the structure;
- (2) Any planned rehabilitation by the property owner; and
- (3) The nature and degree of endangerment to the structure.

(c) *Removing a designation.* A designation for a PUD overlay district may be removed in the same manner and by the same process by which it was enacted.

**Sec. 267. Property development standards.**

- (a) *Lot.* The minimum lot area, width, frontage and yard requirements for single-family residences may be altered as approved by City Council.
- (b) *Streets.* Minimum street widths or alleys proposed within a PUD overlay district shall be flexible in order to promote innovative design.

(c) *Off-street parking.* A minimum of two off-street parking spaces shall be provided for each single-family unit. The required off-street parking spaces must be located on the lot of the single-family unit or be provided elsewhere within the proposed development. The single-family dwelling unit garage does not count toward satisfying this requirement. No portion of a street may be used in calculating the required off-street parking spaces. All non-residential parking shall comply with City Ordinances and regulations.

(d) *Building height.* Height limitations shall be the same as imposed in this Ordinance for the underlying zoning district.

(e) *Open space.* At least 30 percent of the open space required in section 250 shall be converted to common areas used for recreation or parks.

(f) *Landscaping.* Landscaping shall be provided for residential and non-residential developments. A minimum of two trees and eight shrubs shall be provided for each single-family residential unit on each single-family residential lot. Fifty percent of the required trees may be located in an open space as defined in Section 250. The specific placement, forward of the rear building line, shall be left to the discretion of the developer. Whenever practicable, the preservation of existing trees is encouraged.

(g) *Buffering and screening.* Open space buffers and screening shall be required to separate land uses within the PUD overlay district. No parking lot, structures, or equipment pads shall be placed in an open space buffer. The minimum size of an open space buffer shall be 20 feet measured from the exterior property line that is adjacent to the single-family or duplex use. Screening shall be provided along the property line adjacent to the single-family or duplex use.

(h) *Engineering and construction standards.* Engineering and construction standards shall be the same as imposed in the International Building Code.

Sec. 268--274. Reserved.

## **ARTICLE IX. PENALTY AND ENFORCEMENT.**

### **Sec. 275. Penalty.**

A person commits an offense if the person violates the provisions of this Ordinance and shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00). Each day in which a violation continues shall constitute a separate offense.

### **Sec. 276. Civil enforcement.**

If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if a building, other structure, or land is used in violation of this Ordinance, the City Council may, in addition to other remedies, institute an appropriate civil action to prevent the unlawful erection, construction,

reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate the violation or to prevent the occupancy of the building, structure or land or prevent any illegal act, conduct, business or use on or about the premises. The City shall be entitled to recover its reasonable attorney's fees and expenses for prosecuting any such action to a successful conclusion.

**ARTICLE X. SAVINGS CLAUSE**

**Sec. 277. Independent relevance of sections.**

If any portion of this Ordinance shall be held to be unenforceable, void or ineffective, such holdings shall not affect the other portions of this Ordinance and it is the intention of the City Council that each of the Sections of this Ordinance have independent relevance and shall be enforceable independently of other Sections.

PASSED AND APPROVED on this 10 day of NOV., 2008.

CITY OF NIXON, TEXAS

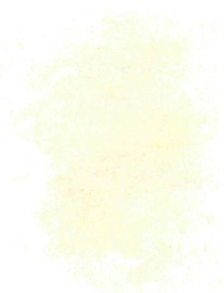
By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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W. W. McNeal, City Attorney



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SCALE 1" = 600'

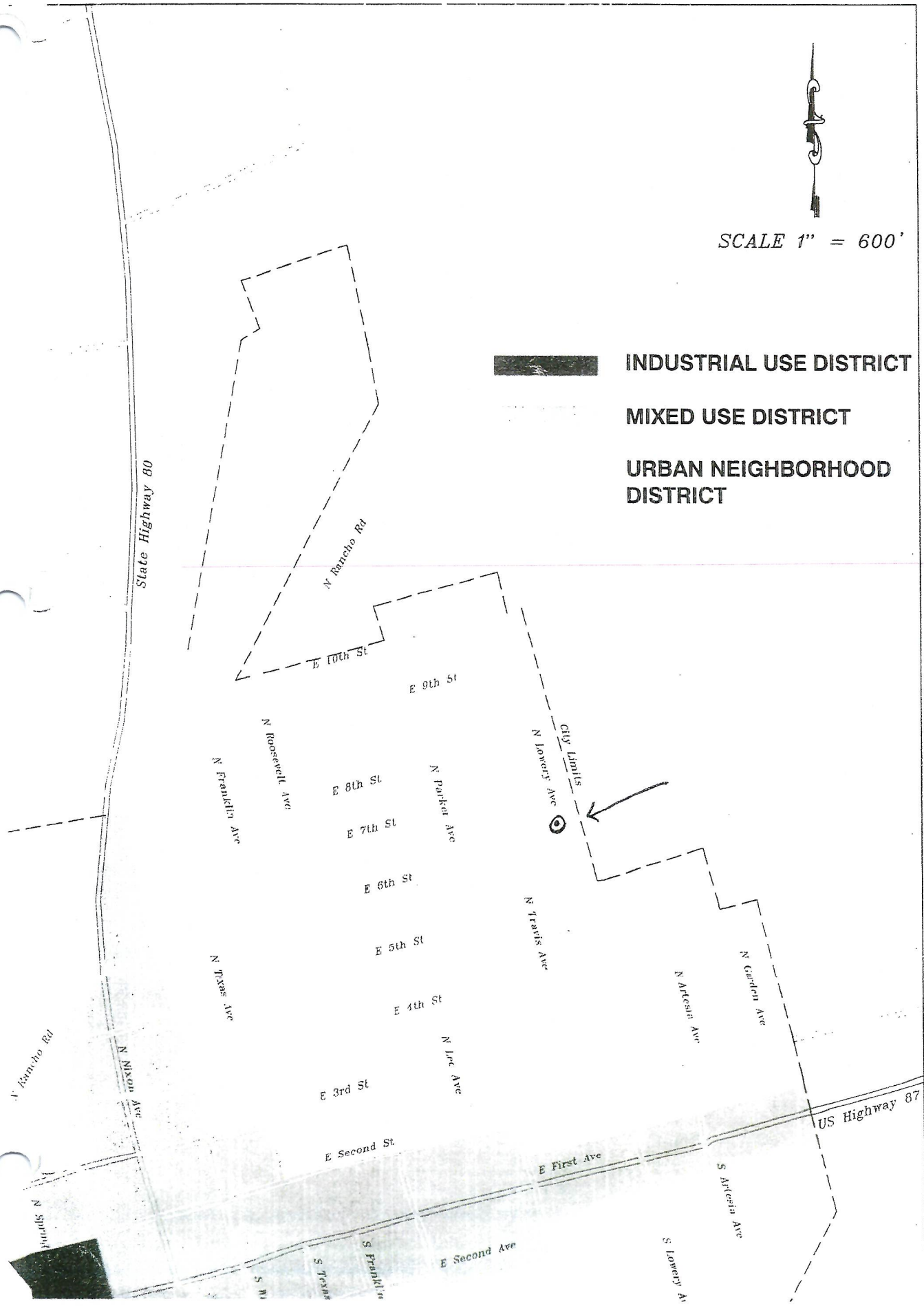


INDUSTRIAL USE DISTRICT



MIXED USE DISTRICT

URBAN NEIGHBORHOOD DISTRICT





**ORDINANCE NO. O-08-11-10**

**EXISTING ZONING ORDINANCE  
OF THE CITY OF NIXON, TEXAS**

**AMENDMENT – Distance Requirements for  
Bars, Liquor Stores, and Sexually Oriented Businesses -  
Mixed Use and Industrial Use Districts**

**AN AMENDMENT TO AN EXISTING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ESTABLISHING ZONING REGULATIONS FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS, AND FOR THE PROTECTION AND PRESERVATION OF THE GENERAL WELFARE OF THE COMMUNITY; AMENDING THE LOCATION AND USE OF BULDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND AMENDING LIMITATIONS AND PROVISIONS APPLICABLE TO ESTABLISHED ZONING DISTRICTS AND AREAS.**

**WHEREAS**, it has come to the attention of the City Council of the City of Nixon, Texas that it is necessary and reasonable for the City to include an amendment to a previously ordained regulation pursuant to ordinance number O-08-11-10 concerning distance requirements for bars, liquor stores and sexually oriented businesses in Mixed Use and Industrial Use Districts within the City and that the present and future uses of property are such that it is reasonably necessary for the existing regulations to be amended by including an amendment to said regulations in order to promote and preserve the health, safety, morals, and general welfare of the community;

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

**THAT** the attached amendment to Ordinance No. O-08-11-10 shall constitute as an amendment to the current City of Nixon Zoning Ordinance as it relates specifically to bars, liquor stores and sexually oriented businesses, subject to future amendment, and said amendment and original Ordinance No. O-08-11-10 shall govern the uses of property within the City:

**CITY OF NIXON  
AMENDED AND REVISED  
ZONING ORDINANCE**

**AMENDMENT – Distance Requirements for  
Bars, Liquor Stores, and Sexually Oriented Businesses -  
Mixed Use and Industrial Use Districts**

**DIVISION 4. MU MIXED USE DISTRICT**

**Sec. 216. Specific uses.**

(g) Bars, liquor stores, and sexually oriented businesses, provided that:

1. No such business shall be located within 300 feet from the main entrance door of said bar, liquor store or sexually oriented business to the main entrance door of a religious and/or educational institution or public park.

2. No such business shall be located within 300 feet from the main entrance door of any home within any residential zone.

3. No such business shall operate between the hours of 2:00a.m. and 9:00a.m.

**DIVISION 5. I INDUSTRIAL USE DISTRICT**

**Sec. 220. Specific uses.**

(k) Bars, liquor stores, and sexually oriented businesses, provided that:

1. No such business shall be located within 300 feet from the main entrance door of said bar, liquor store or sexually oriented business to the main entrance door of a religious and/or educational institution or public park.

2. No such business shall be located within 300 feet from the main entrance door of any home within any residential zone.

3. No such business shall operate between the hours of 2:00a.m. and 9:00a.m.

**Amendment Applicability.**

Any Section or subsection specifically described in this Amendment shall take the place of any Ordinance provision in any prior version, amended or non-amended, in effect prior to the date of passage of this Amendment. Any section, subsection, provision or regulation not specifically addressed in this Amendment shall remain in full force and effect as previously ordained. In addition, any and all amendments made pursuant to this Amendment shall not apply to any existing and operational bars, liquor stores or sexually oriented businesses. These amendments shall apply to any and all bars, liquor stores or sexually oriented businesses wishing to begin operation in the City of Nixon, after the date of passage of this Amendment.

**Ordinance Applicability**

This Ordinance and all Amendments shall apply to any and all bars, liquor stores or sexually oriented businesses located within the City limits, within the City's Mixed Use and Industrial Use Districts as further described in original zoning ordinance number O-08-11-10.

PASSED AND APPROVED on this 27<sup>TH</sup> day of February 2012.

**CITY OF NIXON, TEXAS**

By: \_\_\_\_\_  
**Bonnie Chessher, Mayor**

ATTEST:

\_\_\_\_\_  
**Tanya Torres, City Secretary**

APPROVED AS TO FORM:

\_\_\_\_\_  
**Eduardo "Eddie" Escobar, City Attorney**