

CHAPTER 12

PLANNING & ZONING

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*State Law Reference- Municipal Utilities Generally, V.T.C.A., Local Government Code, Chapter 211,
(Municipal Zoning Authority)

ARTICLE 12.100 IN GENERAL*

Section 12.101 Enacting Clause

This Ordinance is hereby enacted and adopted as the zoning ordinance for the City of Kirbyville, Texas. To read as follows:

Section 12.102 Title and Purpose

- A. Title: This article shall be known and may be cited as the City of Kirbyville's "Zoning Ordinance for Non-Essential Businesses in Residential Areas".
- B. Purpose: As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations herein have been established and made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals, and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the city. They have been designed to lesson the congestion in the streets; to help secure safety from fire, panic and other dangers; to ensure adequate light and air; to provide water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoned area, and its particular use specified; and with a view conserving the value of buildings and attributes and to encouraging the most appropriate use of land throughout the city.

ARTICLE 12.200 RESIDENTIAL AREA

- A. Land used as a permanent residence, such as a house, apartment, nursing home, school, child care facility, and hospital.
- B. Land used to build/construct a place where residents are provided necessities such as food, food processing, agriculture, shipping, gas, hardware, banking, health care, prescriptions, and animal care.

ARTICLE 12.300 ESSENTIAL BUSINESS

- A. Businesses that provide the necessities to help promote the health and welfare of the citizens of the city.
- B. Businesses that provide necessities to shelters and economically disadvantaged people.
- C. Educational institutions, for the purposes of facilitating distance learning.
- D. Agriculture and food processing.

- E. Warehousing, storage, and distribution of viable goods to help promote the health and welfare of the citizens of the city.
- F. Banking, post offices, and shipping businesses.
- G. Veterinary clinics and pet stores.
- H. Healthcare operations
- I. Daycare centers
- J. Hardware stores
- K. Gas stations

ARTICLE 12.400 NON-ESSENTIAL BUSINESS

- A. Businesses that DO NOT provide the necessities to help promote the health and welfare of the citizens of the city.
- B. Businesses in a Residential area that would cause disturbance or upset to the neighbors, and have a negative impact on the value of the surrounding properties.
- C. Businesses that would normally run in a commercially zoned area of the city.

Any person who shall violate any provision of this article shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than one hundred fifty (\$150.00) and not more than two hundred fifty (\$250.00) for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the city attorney is hereby authorized to take all actions, both legal and equitable, necessary to assure compliance with this section.

(Amended, Adopted May 18, 2021)