

ZONING ORDINANCE NO. 2019-02

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ELSA, TEXAS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 211 OF THE TEXAS LOCAL GOVERNMENT CODE (TLGC), PROVIDED THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 211 of the Texas Local Government Code, empowers the City to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Council of the City of Elsa deems it necessary to enact for the purpose of promoting the health, safety, and general welfare of the City such an Ordinance; and

WHEREAS, the City Council pursuant to the provision of Chapter 211 of the Texas Local Government Code, has appointed a Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to enforce therein; and

WHEREAS, the City Council, pursuant to the provision of Chapter 211 of the Texas Local Government Code, has appointed a Planning and Zoning Commission to, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent in accordance with general or specific rules herein contained; and

WHEREAS, the Planning and Zoning Commission has divided with City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to provide for orderly growth of the City; to provide safe and adequate circulation of traffic; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to ensure a safe and healthful environment; to prevent the overcrowding and incompatible uses of land; to assist in residential, commercial and industrial development; to facilitate the adequate provision of water, sewage, schools, parks and transportation; and

WHEREAS, the City Council has given reasonable consideration, among other factors, to the character of the City's districts and has encouraged the most appropriate use of land throughout the municipality; and

WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of Chapter 211 of the Texas Local Government Code, with regard to the preparation of the report of the Planning and Zoning Commission and subsequent action by the City Council have been met.

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

That the attached regulations be hereby adopted.

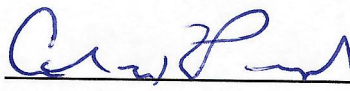
Public hearing held March 4, 2019, advertised February 13, 2019 on page 5 Valley Delta News.

1st reading held July 23, 2019.

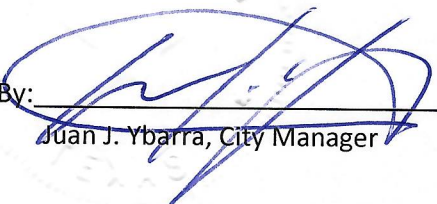
2nd reading held August 26, 2019.

PASSED, APPROVED and ADOPTED on this 3rd reading, the 19th, day of September, 2019.

CITY OF ELSA, TEXAS

By: 
Alonzo Perez, Mayor

ATTEST:

By: 
Juan J. Ybarra, City Manager

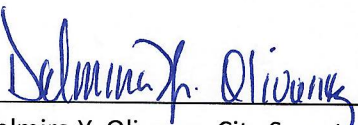
By: 
Delmira Y. Olivarez, City Secretary

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ZONING REGULATIONS

CITY OF ELSA, TEXAS

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ELSA, TEXAS, TO REGULATE THE SIZE OF YARDS AND OPEN SPACES, DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES, AND LANDS; AND PRESCRIBING PROCEDURES FOR THE ADMINISTRATION, ENFORCEMENT, AND APPEAL OF REGULATIONS CONTAINED HEREIN.

ARTICLE I

PURPOSE, AUTHORITY, JURISDICTION

SECTION 100. Enactment

WHEREAS, the City Council of the City of Elsa deems it necessary for the purpose of promoting the health, safety and general welfare of the City of Elsa to enact such an Ordinance, and

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City of Elsa to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELSA, TEXAS, AS FOLLOWS:

Section 101. Title This Ordinance shall be known, referred to and cited as the Zoning Ordinance of the City of Elsa, Texas.

Section 102. Purpose

This Ordinance has been prepared in accordance with a Comprehensive Plan and is enacted to promote public health, safety, morals, or the general welfare of the citizens of Elsa, Texas.

Specifically, this Ordinance is designed to:

102.01 Provide for planned and orderly growth of the City.

102.02 Promote health and general welfare.

102.03 Secure safety from fire, panic, and other dangers.

102.04 Provide for an adequate and safe environment.

102.05 Prevent overcrowding of land and incompatible uses of land.

102.06 Facilitate the provision of transportation, public utilities, community facilities and commercial, residential and industrial development. The regulations contained herein have been made with reasonable consideration, among other things, to the character of the zoning district and its suitability for particular uses and with the intent of conserving the value of buildings and encouraging the appropriate use of land throughout the City.

SECTION 103. Authority

The provisions set forth in this Ordinance have been prepared in accordance with the authority of Chapter 211 of the Texas Local Government Code.

SECTION 104. Jurisdiction

The jurisdiction of these regulations shall include all land in the Corporate Limits. These regulations shall also apply to any land added to the Corporate Area after such land shall have been legally annexed.

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION.200. Interpretation

In interpreting and applying the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for promotion of public safety, health, and general welfare.

SECTION 201. Validity

If for any reason, one or more articles, sections, or subsections of this Ordinance are invalid or unconstitutional, such judgment shall not affect, invalidate or prejudice the remaining provisions of this Ordinance.

SECTION 202. Meaning of Words and Terms

For the purpose of this Ordinance certain words and terms shall be defined as follows: Words used in the singular shall include the plural, words used in the present tense will include the future, the word "person" includes a firm or corporation as well as an individual, the word "lot" includes the word plot or parcel, the term "shall" is always mandatory, the term "may" is optional and the word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

202.01 Accessory Building or Use. Any building or use which is subordinate or incidental to the main building or use of a lot.

202.02 Administrative Officer. A person or persons designated by the City Council of the City of Elsa, Texas, to administer this Ordinance.

202.03 Agricultural Livestock. Any animal normally considered to be a farm animal. This includes, but is not limited to cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and catfish.

202.04 Alley. Any public right-of-way that offers a secondary means of access for properties.

202.05 Apartment. A room or suite or rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.

- 202.06 Apartment House. See Dwelling, Multiple.
- 202.07 Boarding House. A building other than a hotel where, for compensation and by arrangement, meals and/or lodging are provided for three or more persons.
- 202.08 Building. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.
- 202.09 Building, Height of. The vertical distance from the grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.
- 202.10 Conditional Use. A use which may be permitted in a district subject to meeting certain conditions and/or procedures established by the Planning and Zoning Commission and the City Council.
- 202.11 Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Ordinance.
- 202.12 District. A section or sections of the City of Elsa for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
- 202.13. Dwelling. Any building or portion thereof which is designed for or used exclusively for residential purposes.
- 202.14 Dwelling, Single-Family. A building designed for or occupied by one family, excluding mobile homes.
- 202.15 Dwelling, Two-Family. A building designed for or occupied exclusively by two families.
- 202.16 Dwelling, Multi-Family. A building designed for or occupied exclusively by more than two families.
- 202.17 Family. A group of one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.
- 202.18 Filling Station or Service Station. Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, and/or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.
- 202.19 Flood Hazard Boundary Map. An official map or plot of a community, issued or approved by the Federal Emergency Management Administration, on which the boundaries of the flood-prone areas having special hazards have been drawn.

202.20 Flood, 100 Year. The highest level of flooding that, on the average, is likely to occur once every hundred (100) years (i.e. , that has a one (1) percent chance of occurring each year).

202.21 Flood-proofing. Any combination of structural and non-structural additions, changes, or improvements to properties and structures, for the purpose of reducing or eliminating flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

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

202.23 Garage, Private. An accessory building designated or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

202.24 Garage, Public. A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

202.25 Garage, Storing or Parking. A building or portion thereof designed or used exclusively for term storage, by prearrangement, or motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold but motor-driven vehicles are not equipped, repaired, hired or sold.

202.26 Home Occupation. Any occupation or activity that is clearly incidental and secondary to the use of the premises for dwelling purposes and that is carried on wholly within a main building by a member of a family residing on the premises, in which there is no display or storage of material or exterior identification of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which no equipment used creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the conducting of a tea room or restaurant, rest home, clinic, doctor or dentist office, tourist home, cabinet, metal or auto repair shop. Home occupations shall require a conditional use permit.

202.27 Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boarding house, lodging, house, or apartment, which are defined separately herein.

202.28 Institution. A building occupied by a non-profit corporation or a non-profit establishment, for public use.

202.29 Junk Yard Open Storage. An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

202.30 Kennel. Any building, lot, or premises on, or in which eight (8) or more dogs, cats, or similar pets (at least eight weeks of age) are kept. Any building, lot, premises where dogs, cats, or similar pets are housed or accepted for boarding, for which remuneration is received.

202.31 Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance and having its principal frontage upon a street, or upon an officially approved plat. A standard size lot shall have a minimum width of 50 feet and minimum depth of 100 feet.

202.32 Lot, Corner. A lot abutting upon two or more streets at their intersection.

202.33 Lot, Double Frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

202.34 Lot of Record. A lot that is part of a subdivision, the map of which has been recorded in the records of the County Clerk, or a parcel of land, the deed of which was recorded in the records of the County Clerk prior to or after the adoption of this Ordinance..

202.35 Major Traffic Circulation Plan. The long-range Comprehensive Traffic Circulation Plan as adopted by the Planning and Zoning Commission.

202.36 Main Building. The building that occupies the primary use of the lot.

202.37 Mobile Home. A dwelling unit that has the following characteristics:

203.37-01 Designed for long-term occupancy, containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

203.37-02 Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.

203.37-03 Arrives at site where it is to be occupied as a dwelling unit, complete with major appliances and furniture and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on foundation supports, and connection to utilities.

202.38 Mobile Home Park. Any parcel of land improved for the placing of mobile homes, consisting of two or more acres upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations. A mobile home space means the area within a mobile home park designed for the accommodation of one mobile home. All mobile home parks shall meet the provisions in Section 503.

202.39 Nonconformity. A lawful condition of a structure or land at the time of adoption of this Ordinance, which does not conform to the regulations of the district in which it is situated. This may

include, but is not limited to, failure to conform to use, height, area, coverage, or off-street parking requirements.

202.40 Nonconforming Use. A structure or land, at the time of adoption of this Ordinance, which was lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

202.41 Office Building. A building designed for or used as offices for professional, commercial, industrial, religious, public, or semi-public organizations, or for persons, provided no produce is sold on the premises.

202.42 Open Storage. See Junkyard.

202.43 Planning and Zoning Commission. The official planning and zoning body of the City of Elsa, Texas.

202.44 Premises. Land together with structure or structures occupying it.

202.45 Public Building. A building owned and used by the City, County, State, and/or Federal Government.

202.46 Story. That portion of a building between the surface of a floor and the ceiling immediately above.

202.47 Street. A public right-of-way that affords a primary means of access to lots.

202.48 Street Line. Public right-of-way line of a street.

202.49 Structure. Any type of building that requires a permanent location.

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

202.51 Substantial Improvement Value. Any repair or reconstruction, or improvement of a structure, the cost of which equals or exceeds seventy (70) percent of the actual cash value of the structure, either (a) before the improvement is started, or (b) after the structure has been damaged and is being restored.

202.52 Variance. A modification from the literal provisions of this Ordinance in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted. Loss of possible economic gain shall not constitute an unnecessary hardship.

202.53 Yard. Open space on a building lot unobstructed by any portion of a structure from the ground upward, except as otherwise provided. For determining yard widths and depths, the minimum horizontal distance between the building and the respective property line, easement, or right-of-way line shall be used.

202.54 Yard, Front. That area of a yard which extends along the entire length of the front line, within the two side lines and the minimum horizontal distance between the street right-of-way line and building.

202.55 Yard, Side. That area of a yard which extends along the entire side lot lines between the front and rear lot lines and the minimum horizontal distance between the side lot line and the building.

202.56 Yard, Rear. That area of a yard which extends along the entire length of the rear lot line within the two side lot lines, and the minimum horizontal distance between the rear lot line and the building.

202.57 Zoning Map. The official Zoning Map of the City of Elsa, Texas, which is to be kept in the Office of The City Manager.

ARTICLE III

ZONING MAP

SECTION 300. LOCATION, ADOPTION AND CHANGES

The City is hereby divided into districts shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Manager, and bear the Seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of the City of Elsa Zoning Ordinance" together with the date of adoption of this Ordinance.

If in accordance with the provisions of this Ordinance and the Texas Local Government Code, changes are made in district boundaries or other matters displayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map, after the amendment has been approved by the City Council with an entry (signed by the Mayor and attested by the City Manager) made in the column headings: LOCATION; CHANGE FROM; TO; APPROVED; ATTESTED; and DATE. No amendment to this Ordinance that involves matters displayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under section 704.

Regardless of the existence of purported copies of the Official Zoning Map that may from time to time be made or published, the Official Zoning Map that shall be kept in the Office of the City Manager shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

SECTION 301 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors to omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Administrator and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of Adoption of map being replaced) as part of Ordinance No. _____ of the City of Elsa, Texas.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 302. Interpretation

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Zoning Map, the following rules shall apply:

302.01 The zoning district boundaries shall be streets or alleys unless otherwise shown. Where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the center line of the street or alley shall be construed to be the boundary of the district.

302.02 Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines, where the districts designated on the Zoning Map are bounded approximately by the lot lines.

302.03 Where zoning district boundaries appear to follow a physical feature on the ground, such as a river, stream or canal, then the zoning boundary shall be the center line of the feature.

302.04 In unsubdivided property, the zoning district boundary lines on the Zoning Map accompanying and made a part of the Ordinance shall be determined by the use of the scale appearing on the Zoning Map.

ARTICLE IV

DISTRICT REGULATIONS SECTION

400. ZONING DISTRICTS

For the purposed of this Ordinance the City of Elsa, Texas is divided into the following districts:

A-1 Agriculture and Open Space District

R-1 Single-Family Residential District (single family dwellings)

R-2 Multi-Family Residential District (Multi-family dwellings)

C-1 Commercial District

I-1 Industrial District

SECTION 401. A-1 Agriculture and Open Space

401.01 District Description. This district is created to provide for certain undeveloped areas within the city to continue in use primarily for agricultural purposes until such time that the areas may be developed for more intensive urban uses.

401.02 Permitted Uses.

401.02-1 Single-family Dwelling.

401.02-2 Farm buildings and structures.

401.02-3 All forms of agriculture

401.02-4 Sale of products which are raised, produced, and processed on the premises.

401.02-5 Nurseries and Greenhouses.

401.02-6 Home occupations that meet the provisions of 202.25

401.02-7 Parks and Playgrounds.

401.03 Conditional Uses. These require authorization by the City Council and are subject to any limitations and restrictions deemed necessary by the City Council.

401.03-1 Broadcast towers, TV, or Microwave

401.03-2 Commercial Amusements.

401.03-3 Sand and Gravel Extraction.

401.03-4 Aircraft sales, service rental, or repairs.

401.03-5 Airports, landing strips, terminal facilities.

SECTION 402. R-1 Single-family Residential District

402.01 District Description. This district is created primarily for single-family residential units with certain associate uses.

402.02 Permitted Uses.

402.02-1 Single-family Dwellings.

402.02-2 Accessory buildings customary, incidental and subordinate to the uses of the main buildings.

402.02-3 Churches, provided there is no building within 20 feet of another lot in a residential district, and there is a front yard setback of at least 40 feet.

402.02-4 Home occupations which meet the provisions of Section 202.26.

402.02-5 Public parks and playgrounds.

402.02-6 Public buildings, facilities and utilities.

402.02-7 Hospitals, provided the buildings are located not less than 100 feet from any lot in a residential district.

402.03 Sign Restrictions

402.03-1 One Bulletin board not over 15 square feet in area for churches, schools, public and semi-public entities.

402.03-2 One temporary real estate sign not exceeding 9 square feet in area which advertise the sale, rent or lease of the premises that are being advertised.

402.03-3 Signs of public service companies which provide aid to service or warning of danger.

402.03-4 One temporary unlighted sign not exceeding 50 square feet in a real estate development containing at least 5 lots.

402.04 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.

402.05 Dimensional Requirements. Minimum widths, depth, lot size and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 403. R-2 - Multi-Family Residential District

403.01 District Description. This district permits single and multi-family residential uses.

403.02 Permitted Uses.

403.02-1 All uses and buildings permitted in the R-1 district.

403.02-2 All multi-family residential dwellings.

403.02-3 Rooming and boarding housing.

403.02-4 Mobile homes on single lots and mobile home parks provided all requirements in Section 502 and 503 are met.

403.02-5 Adult care and childcare operations properly licensed.

403.03 Sign Restrictions. Any sign permitted in the R-1 district.

403.04 Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.

403.05 Dimensional Requirements. Minimum width, depth, lot size and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 404. C-1 Commercial District.

404.01 District Description. **The Commercial District is created for use in those areas of the community where it is desirable to locate business, retail, and other commercial uses. Uses, services or businesses not listed under 404.02, Permitted Uses, such as sexually oriented businesses which in the judgment of the Elsa City Council are not offensive to the community, may be permitted by discretionary approval of the Elsa City Council.** This District provides for a retail commercial area within the City, offering a wide range of services.

404.02 Permitted Uses.

404.02-1 Retail and service outlets such as furniture and appliance stores, department stores, grocery stores, dry cleaning shops, repair shops, variety stores, barber shops, beauty salons and similar establishments.

404.02-2 Medical clinics.

404.02-3 Recreation or entertainment enterprises, provided they are inside an enclosed building.

404.02-4 Restaurants and drive-in restaurants.

404.02-5 Public building institutions, and utilities.

404.02-6 Office buildings as defined herein.

404.02-7 Banks and financial institutions.

404.02-8 Printing and publishing establishments, provided all activities are enclosed in a building.

404.02-9 Hotels and motels.

404.02-10 Service stations and garages.

404.02-11 Animal hospitals and kennels.

404.02-12 Nurseries and greenhouses.

404.02-13 Coin Operated Machines. No facility will be allowed more than 3 coin operated machines and you have to meet state and federal requirements.

404.02-14 Other similar uses, as determined by the City Council.

404.02-15 Drive-through retail businesses and food services.

404.03 Sign Restrictions. Overhead and/or projecting signs suspended from any building shall be placed not less than twelve (12) feet above the finished grade of the sidewalk. No sign projecting or suspended from any building shall contain more than thirty-six (36) square feet in area and signs designed as an integral part of the building may be permitted if approved by the City Council. The total area of all signs for any one establishment shall not exceed sixty-four (64) square feet.

No sign or other outdoor advertising device shall be erected or continued if it constitutes a nuisance because of light, glare, noise, flashing, animation, or distraction. No illuminated sign shall be of such intensity as to constitute a nuisance to the residents of adjacent residential districts, as determined by the Administrative Officer.

404.04 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set for in Section 504 of this Ordinance.

404.05 Dimensional Requirements. Minimum width, depth, lot size, and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 405. I - 1 Industrial District

The Industrial District is created for use in those areas of the community where it is desirable to locate industry that has a minimum of noxious effects on the surrounding area. The District permits commercial uses permitted under C - 1.

The following uses shall be permitted provided that they, in the judgment of the City Council, are not excessively noxious or offensive to neighboring uses by reason of the omission of dust, gas, smoke, noise, fumes, glare, odors, vibrations, fire hazards, or safety hazards.

405.01 Permitted Uses.

405.01-1 Any industrial, manufacturing or processing operation which is not prohibited in Section 506.

405.01-2 Wholesale and warehousing establishments.

405.01-3 Freightage or trucking yards or terminals.

405.01-4 Lumber yards.

405.01-5 Junkyards, salvage and recycling operations.

405.01-6 Non-permanent retail operations or junkyards.

405.02 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.

405.03 Dimensional Requirements. Minimum width, depth, lot size, and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

ARTICLE V

GENERAL PROVISIONS

SECTION 500. Required Compliance

500.01 No land shall be used except for a purpose permitted in the zoning district in which it is located.

500.02 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used for any use other than those permitted in the zoning district in which such building is located.

500.03 Pending Future Use.

500.04 Every building hereafter erected or structurally altered shall be located on a standard as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter.

500.05 In residential zoning districts, fences not in excess of seven (7) feet in height may be built, provided there is no visual impairment at intersections.

500.06 Every building hereafter erected, moved, or structurally altered shall be located on a standard lot and in no case shall there be more than one principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, such as school campus, cluster housing, shopping center, industrial park, etc.

500.07 In no case shall an accessory building be located in a "front yard" or "side yard" as defined by this Ordinance.

500.08 No accessory building shall be constructed upon a lot until the main building on said lot is completed and in use.

500.09 No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots, created after the effective date of this Ordinance, shall meet at least the minimum requirements established by this Ordinance.

500.10 On a corner in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at the intersecting streets.

500.11 Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Removal shall be in accordance with appropriate City Ordinances. Outside storage of equipment or materials used in conjunction with commercial or industrial activities shall be prohibited on any residentially zoned property.

500.13 Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations, and standpipes for public water supply shall be permitted in any district provided that the location of the facility in any residential district shall comply with the following requirements.

500.13-1 The facility shall be essential to the immediate area or for the proper functioning of the total utility system of which the particular element is a part.

500.13-2 All buildings or structures except enclosing fence shall be set back at least twenty (20) feet from all property lines.

500.13-3 The facility shall be enclosed by a protective fence of adequate height.

500.13-4 All open spaces on the premises shall be suitably landscaped and maintained.

500.13-5 Storage of vehicles and equipment on the premises shall be prohibited.

500.13-6 The surrounding area shall not be adversely affected but shall be protected from noise, odor, glare, dust, fumes, gas, smoke, and vibration by such suitable means and conditions as the Planning and Zoning Commission and the City Council may specify.

SECTION 501. Annexation

All territory that may hereafter be annexed to the City of Elsa, Texas, shall be annexed only after a determination of future land use designation, with consideration to existing and/or proposed uses of adjacent properties, is completed.

SECTION 502. Mobile Homes on Single Lots.

No mobile home shall be located on single lots within the City of Elsa, Texas, after the adoption of this Ordinance, unless the following requirements are met, or unless such mobile home is located in an approved mobile home park, as defined herein.

502.01 Each mobile home on a standard lot shall be connected to municipal water and sewerage systems if available.

502.02 Anchors or tie-downs such as cast-in-lace concrete "dead men," eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at each corner of the mobile home at intervals of not more than twenty (20) feet. Each device shall be capable of withstanding a minimum load of four thousand eight hundred (4,800) pounds. All mobile homes shall be connected securely to such devices.

502.03 All mobile homes shall be provided with skirts around mobile homes.

SECTION 503. Mobile Home Parks

No mobile home park shall be located within the City of Elsa, Texas, after the adoption of this Ordinance, unless the following requirements are met.

503.01 Design Standards. All mobile home parks must meet the following design standards.

503.01-1 A mobile home park shall not be less than two acres in total area.

503.01-2 Each mobile home in a mobile home park shall occupy a designated space having at least 3,500 square feet of lot area.

503.01-3 Each mobile home space shall have a width of at least 40 feet.

503.01-4 Each mobile home space shall abut a driveway within the park. Said driveways shall be graded and surfaced with crushed stone or other suitable material as determined by the Administrative Officer on a well compacted sub base, to a continuous width of twenty (20) feet.

503.01-5 One off-driveway parking space with crushed stone or other suitable material as determined by the Administrative Officer on a well-compacted sub base shall be provided for each mobile home space. Required parking spaces may be included within the 3,500 square feet required for each mobile home space.

503.01-6 No mobile homes or other structures within a mobile home park shall be closer to each other than 25 feet, with the exception of storage structures or other auxiliary structures for the exclusive use of a mobile home, which may be closer to another mobile home.

503.01-7 No mobile home shall be located closer than 30 feet to the exterior boundary of the park of a bounding street right-of-way. Buildings used for laundry or recreational purposes shall be located no closer than 30 feet to the exterior boundary or the right-of-way of a bounding street.

503.01-8 The mobile home park and all occupied units located in it shall be connected to the municipal water and sewerage systems, if available.

503.01-9 A densely planted buffer strip consisting of trees, shrubs, and other plantings at least 5 feet in height, shall be provided along all rear and side property lines of the park. A solid fence five feet in height may be substituted.

503.01-10 Anchors or tie-downs such as cast-in-place concrete "dead-men," eyelets imbedded in concrete screw augurs, or arrowhead anchors shall be placed at each corner of the mobile home at intervals of not more than twenty (20) feet. Each device shall be capable of withstanding a minimum load of four thousand eight hundred (4,800) pounds. All mobile homes shall be connected securely to such devices.

503.01-11 Adequate lighting for nighttime use shall be provided within the mobile home park.

503.01-12 Any expansion of mobile home parks in existence on the effective date of this Ordinance shall comply with the provisions of this Ordinance.

503.02. Plans clearly indicating the developers' intention to comply with the provisions of this Section shall be submitted to and approved by the Planning and Zoning Commission. Such plans must be drawn to a scale of not less than 1" = 50' by a registered engineer or registered land surveyor. Such plans must show the area to be used for the proposed mobile home park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, and off-street parking spaces; the location of mobile home spaces, recreational areas, and service buildings; the location of sanitary conveniences including toilets, laundries and refuse receptacles; and the proposed plan for water supply, sewage disposal and electric lighting. The Planning and Zoning Commission and/or City Council shall have authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

SECTION 504. Required Off-Street Parking

In all zoning districts except C-1, sufficient off-street parking spaces shall be provided to accomplish the purpose of this Ordinance, unless other specified parking spaces shall be located on the lot on which the principal use is located. The minimum number of required spaces shall be according to the following criteria:

504.01 Single-Family Dwellings. One parking space per unit.

504.02 Multi-Family Dwellings. Two parking spaces per unit.

504.03 Churches. **One parking space for every fifty (50) square feet of gross floor area.**

504.04 Home Occupations. Two spaces in addition to residential requirements.

504.05 Public Buildings.

504.05-1 In schools, one space for each staff member and employee. In the case of secondary schools, one additional parking space for each 8 students in grades 9-12, shall be provided.

504.05-2 In community centers, libraries, galleries and museums, 10 parking spaces and 1 additional parking space for each 300 square feet of floor area.

504.06 Hospitals. One parking space for each employee and one additional parking space for each four patient beds.

504.07 Golf Courses. Adequate parking spaces.

504.08 Restaurant, Cafe, Night Club or Similar Establishments. One parking space for every 2 employees and an additional space for each 100 square feet of gross floor area.

504.09 Office Buildings, Banks and Similar Institutions. One parking space for each 200 square feet of gross floor area.

504.10 Retail Business and Service Establishments. One space for each company vehicle and one space for each 200 square feet of gross floor area.

504.11 Motels, Hotels and Lodging Houses. One parking space for each employee and one parking space for each rental unit.

504.12 Wholesale Establishments. One parking space per two employees.

504.13 Manufacturing, Industrial or Processing. One parking space for each employee on the largest shift and one space for each company vehicle.

504.14 Theaters. One parking space for every two seats.

504.15 Funeral Homes. One parking space for every 50 square feet of gross floor area.

504.16 Drive-through. Four (4) off-street parking spaces with adequate ingress-egress facilities.

SECTION 505. District Dimensional Requirements

Minimum requirements within the various districts shall be observed as shown in the following units:

| District | Depth of Front Yard in Feet | Depth of Side Yard in Feet | Depth in Rear Yard in Feet | Lot Size in Square Feet | Minimum Lot Width At Setback Line |
|----------|-----------------------------|----------------------------|----------------------------|-------------------------|-----------------------------------|
| A-1 | | 5 | 20 | 5,000 | 50 |
| R-1 | 20 | 5 | 20 | 5,000 | 50 |
| R-2 | | 5 | 20 | 5,000 | 50 |
| C-1 | | None (2) | None (2) | None | None |
| I | | 30 (3) | 30 (3) | None | None |
| FP | | None | None | None | None |

(1) 5,000 square feet for first dwelling and 3,000 for each additional unit, with no more than three (3) families in the principal unit and no more than two (2) families in any succeeding unit.

(2) 20 feet are required when the lot is abutting a residential district.

(3) 40 feet are required when the lot is abutting a residential district

ARTICLE VI

NON-CONFORMITIES

SECTION 600. General Regulations Affecting Non-Conformities

Within the districts established by this Ordinance or be amendments that may later be adopted, there exist lots, premises structure, and uses of land which were lawful before this Ordinance was effective or

amended, but which would be prohibited, regulated, or restricted under the provisions of this Ordinance of future amendment; these shall be known as non-conformities.

The following regulations apply to all non-conformities:

600.01 It is the intent of this Ordinance to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Ordinance to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded, or extended, except as provided for herein, nor used as grounds for adding other structures or uses prohibited elsewhere in the district.

600.02 A non-conforming use of land, premises, or structures shall not be enlarged upon, expanded, or extended after the effective date of this Ordinance.

600.03 If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically un-safe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be stored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

600.04 A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or leading berths shall have all the rights of a con-forming use or structure.

SECTION 601. Non-conforming Uses of Land.

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the regulations and standards of this Ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawfully subject to the following provisions:

601.01 No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance.

601.02 No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Ordinance.

601.03 If any such non-conforming use of land ceases for any reason for a period of more than 6 consecutive months, any subsequent use of such land shall conform to the restrictions and standards set by this Ordinance for district in which such land is located.

601.04 A non-conforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.

SECTION 602. Non-Conforming Structures.

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations and standards of this Ordinance as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, heights, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains law-fully subject to the following provisions:

602.01 No such structures may be enlarged or altered in a way which increases its non-conforming. On a non-conforming structure, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment of this Ordinance shall not be increased.

602.02 Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

602.03 Should any such structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located, after it is moved.

SECTION 603. Non-Conforming Uses of Structures.

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a structure, or a premises, exists that is no longer permissible under the regulations and standards of this Ordinance as adopted or amended, such use may be continued so long as it remains otherwise lawfully by subject to the following provisions:

603.01 No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a non-conforming use, work may be done in any period of 12 consecutive months or ordinary repairs, or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not to exceed 10 percent of the then current replacement value of the structure as it existed at the effective date of adoption or amendment of this Ordinance.

603.02 Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date or adoption or amendment of this Ordinance, but no such use shall be extended to occupy land outside of such building or structure.

603.03 If no structural alterations are made, any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use provided that the Planning and Zoning Commission, either by general rule or by making findings in the specific case, shall find that the

proposed use is equally appropriate to the district than the existing non-conforming use and such finding is reviewed and authorized by the Planning and Zoning Commission and/or City Council, which may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

603.04 Any building or structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such building, structure or premises is located, and the non-conforming use shall not be resumed.

603.05 When a non-conforming use of a building or structure, or of premises, is discontinued or abandoned for six consecutive months, or for 18 months during any three-year period the building or structure, or premises shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.

603.06 Where non-conforming use status applies to the use of a building, removal or destruction of the building or structure shall eliminate the non-conforming use status, and any reuse of such building or structure shall be a use permitted in the district in which it is located. Destruction for this purpose is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 700. Administrative Officer.

The Administrative Officer shall administer and enforce the provisions of this Ordinance. The Administrative Officer shall be any person designated as such by the Elsa City Council.

SECTION 701. Powers and Duties.

The powers and duties of the Administrative Officer shall be as follows:

701.01 Issue all Building, Moving and Demolition Permits and make and maintain records thereof.

701.02 Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this Ordinance.

701.03 Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance.

701.04 Revoke any Building, Moving and Demolition Permits which was unlawfully issued or any Certificate wherein defective work has been performed, and when such work has not been corrected within 90 days of notification.

701.05 Maintain permanent and correct records of this Ordinance including, but not limited to, all maps, amendments, variances, appeals, and applications.

701.06 Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.

701.07 Forward to the Planning and Zoning Commission all applications for amendments to this Ordinance.

701.08 Forward to the City Council, applications for appeals variances, or other matters on which the City Council are required to pass under this Ordinance.

701.09 Initiate, direct and review, from time to time, a study of the provisions of said Ordinance, and to make such reports available to the Planning and Zoning Commission not less than once a year.

SECTION 702. Building Permits, Moving Permits, Demolition Permits.

702.01 No building or other structure shall be erected, moved, added to, or structurally altered without a Building, Moving and Demolition Permit issued by the Administrative Official.

702.02 No Building, Moving, Demolition Permits, for alternation, repair or construction of any building shall be issued -unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of this Zoning Ordinance.

702.03 No existing use of a building, structure, or land may be changed to any other use without first obtaining a Building, Moving, and Demolition Permit from the Administrative Official.

702.04 A temporary Building, Moving, Demolition Permit may be issued by the Administrative Office for a period not exceeding 6 months during alteration or construction for partial occupancy of a building pending its completion, provided that such temporary permits shall require such conditions and safeguards as will protect the safety of the occupants and the public.

702.05 The failure to obtain the necessary Building, Moving, and Demolition Permit shall be punishable under Section 704 of this Ordinance.

702.06 Building, Moving, Demo lotion Permit issued on the basis of plans and applications approved by the Administrative Officer authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided under Section 704 of this Ordinance.

SECTION 703. Building, Moving, Demolition Permit.

703.01 Applications for Building, Moving, Demolition Permits shall be accompanied by a duplicate set of plans with the following information indicated in order to determine compliance with this Ordinance.

703.01-1 The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;

703.01-2 The location of the said lot with respect to adjacent rights-of-way;

703.01-3 The shape, dimensions, and location of all buildings existing and proposed, on the said lot;

703.01-4 The nature of the proposed use of the building or land including the extent and location of the use, on the said lot;

703.01-5 The location and dimensions of the off-street parking and loading space and means of ingress and egress to such space; and

703.01-6 Any other information which the Administrative Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

703.02 If the Building, Moving, and Demolition Permit is denied on the basis of this Ordinance, the applicant may appeal the action of the Administrative Officer to the City Council.

703.03 No building or structure shall be erected, moved, added to or structurally altered unless in compliance with the appropriate city regulations pertaining to Building Permit nor shall a Building Permit be issued unless such building or structure is in compliance with the Zoning Ordinance and a Building, Moving, Demolition Permit has been issued.

703.04 The Administrative Officer shall act on all applications within 7 days after applicant has fully complied with provisions of Section 703.01. The Administrative Official shall either issue a Building, Moving, Demolition Permit or notify the applicant in writing the reasons for the refusal.

SECTION 704. Penalties.

Penalties for violation of the Ordinance shall be as follows:

704.01 Any person, firm or corporation who violates any provisions of this Ordinance or any lawful order of the City Council, Planning and Zoning Commission, or Administrative Officer pursuant thereto shall be fined not more than Two Hundred Dollars (\$200.00). Each day during which such violation shall be permitted to exist shall be deemed a separate offense.

704.02 The owner or tenant of a building, structure, premises, or part thereof, any architect, builder, contractor, agent or other persons who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.

704.03 Nothing herein contained shall prevent the city from taking such other lawful action as it deems necessary to prevent or remedy any violation.

SECTION 705. Amendments and Changes.

The City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance, amend district boundary lines, provided that in all amendments adopted under the authority of this Section due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the

adoption of such amendments.

SECTION 706. Amendment Procedure.

This Ordinance shall be amended in the following manner:

706.01 Amendments may proposed by any citizen, organization or governmental body.

706.02 An application for an amendment to this Ordinance shall be filed with the Administrative Officer in such form and accompanied by such information as required by the Administrative Officer. The Administrative Officer, upon receiving an application for amendment, shall transmit one copy of such application along with all pertinent data filed therewith, to the Planning and Zoning Commission for their review and written recommendations.

706.03 A fee of Fifty Dollars (\$50.00) shall be paid to the City of Elsa, Texas, for each application for an amendment, to cover the cost of advertising and other administrative expenses involved. The City Council and the Planning and Zoning Commission shall be exempt from this fee.

706.04 The City Council shall hold a public hearing on such application for an amendment at such time and place as shall be established by the City Council. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the City Council shall, by rule, proscribe from time to time.

706.05 Notice of time and place of such hearings shall be published at least once in a newspaper of local distribution not less than 15 days before such hearing, Supplemental or additional notices may be published or distributed as the City Council may, by rule, prescribe from time to time. Property to be considered for a zoning change should also be posted 15 days before such hearing. A fee of _____ shall be required of the applicant to cover these and other administrative functions.

706.06 The Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council prior to the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

706.06-1 Relation of the proposed amendment to goals and objectives of the long range physical plan of the City of Elsa, Texas.

706.06-2 Existing uses of property within the general area of the property in question.

706.06-3 The zoning classification of property within the general area of the property in question.

706.06-4 The suitability of the property in question to the uses permitted under the existing zoning classification.

706.06-5 The trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its zoning classification

706.07 The City Council may not act upon a proposed amendment to the Ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission regarding the proposed amendment.

706.08 The City Council shall approve or deny the proposed amendment. If an application for such an amendment is not acted upon by the City Council within a 90-day period following its initial submission, it shall be deemed to have been approved.

SECTION 707. Appeals.

Appeals from action taken by the Administrative Officer shall be taken in the following manner.

707.01 All appeals shall be taken within 60 days of the date of the action which is appealed.

707.02 Appeals from the enforcement and interpretation of this Ordinance, signed by the appellant, shall be addressed to the City Council and presented to the Administrative Officer. A fee of Ten Dollars (\$10.00) shall be paid to the City of Elsa, Texas, for each appeal to cover costs to advertising and administrative costs. The appeal shall or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.

707.03 The Administrative Officer shall transmit to the City Council, the appeal and all papers constituting the record upon which the action appealed was taken. The Mayor shall schedule a hearing to be held within 60 days from the filing of the appeal.

707.04 An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the City Council that, by reason of facts in the record, a stay would, in his opinion cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a Court Order:

707.05 Any further appeals from the City Council shall be in the manner prescribed by law.

SECTION 708. Variances

Applications for variances to this Ordinance shall be processed in the following manner:

708.01 An application for a variance from the terms of this Ordinance signed by the applicant, shall be addressed to the City Council and presented to the Administrative Officer.

708.02 A fee of Twenty Dollars (\$20.00) shall be paid to the City of Elsa, Texas, for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to ensure completed applications shall be forward to the City Council.

708.03 The Administrative Officer shall review the application and determine whether sufficient data is contained to adequately describe the situation to the City Council. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the City Council.

SECTION 709. Procedure and Criteria

The City Council shall approve or deny variances in the following manner:

709.01 The Mayor shall schedule a public hearing to be held within 60 days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the area at least once a week for two successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one week prior to the hearing.

709.02 The City Council shall approve or deny the application for the variance following the public hearing. Before any variance is granted, the City Council must find that all of the following criteria are met:

709.02-1 Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.

709.02-2 Strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the permitted to be made by other owners of their neighboring lands, structures or buildings in the same district.

709.02-3 The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Ordinance.

709.02-4 Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

709.03 The following rules will be considered by the City Council when approving or denying a variance:

709.03-1 Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.

709.03-2 In granting a variance, the City Council may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Ordinance.

709.03-3 Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any, further owner of the subject property, but cannot be transferred by the applicant to a different site.

709.03-4 A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one year after the

ARTICLE VIII

LEGAL PROVISION

SECTION 800. Cumulative Clause.

This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any other ordinance in direct conflict with this ordinance is herewith repealed and this Ordinance shall supersede any provisions in conflict herewith; all other provisions of the above described ordinance shall remain in full force and effect.

SECTION 801. Severability Clause.

If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that all other parts of this Ordinance shall not be affected thereby and shall remain in full force and effect.

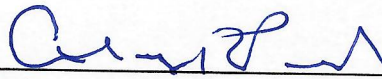
SECTION 802. Publication and Effective Date Clause

This Ordinance shall be published in the official newspaper of the City of Elsa, Texas, as provided by law, and shall be and remain in full force and effect from and after said date of publication.

SECTION 803. Emergency Clause.

The importance of the subject matter hereof creates an emergency and an imperative public necessity requiring the suspension of the rule that ordinances be read on three (3) separate days, and such rule is hereby suspended and said requirement is dispensed with by a vote of not less than a majority of all the members of the City Council.

CITY OF ELSA, TEXAS

By: 

Alonzo Perez, Mayor

Date: Sept. 19, 2019

ATTEST:

By: 

Juan J. Ybarra, City Administrator

By: 

Delmira Y. Olivarez, City Secretary