

## ORDINANCE NO 1

### ZONING ORDINANCE

AN ORDINANCE REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND: THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES: THE SIZE OF YARDS AND OTHER OPEN SPACES: AND THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO REQUIRE A BUILDING PERMIT; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND TO PROVIDE FOR ITS ENFORCEMENT.

Whereas, the City Council of the City of Cottonwood, Texas deems it necessary in order to lessen congestion on streets, to secure from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements; to conserve the value of property and encourage the appropriate use of land throughout the City, all in accordance with a comprehensive plan;

All residence who own property within the City limits must adhere to all City Ordinances.

Now, THEREFORE, BE IT ORDAINED by the City of Council of the City of Cottonwood, Texas:

**Section 1.** Title. This ordinance shall be known as and may be cited as the "City of Cottonwood Zoning Ordinance."

**Section 2.** Purpose. The zoning regulations and district as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the residents of the City of Cottonwood, Texas.

**Section 3.** Establishment of Districts and Official Zoning Map. In order to carry out the purpose and provisions of this Ordinance, the following districts are hereby established:

- (a) Residential District (also referred to as District "R-1");
- (b) Business District (also referred to as District B-1");
- (c) Manufactured Housing District (also referred to as District "MH");

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as fully set forth and described herein. Said Zoning Map, properly attested, is on file in the office of the City Secretary of Cottonwood, Texas.

**Section 4. Residential District.** The following regulations shall apply to the Residential District. (A district where people live, occupied primarily by private residences.)

- (a) Use Regulations. Within the Residential District, only the following uses and structures shall be permitted:
  - A. Single-family dwellings
  - B. Churches or other places of worship
  - C. Colleges, universities, or other institutions of higher learning

- D. Country clubs or golf courses, but not including miniature gold courses, driving ranges, or similar forms of commercial amusement.
- E. Farms, ranches, and nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business conducted on the premises and provided further that no poultry or livestock other than normal household pets shall be housed within twenty (20) feet of any property line.
- F. Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the municipality or other public agency.
- G. Public buildings, including libraries, museums, police and fire stations.
- H. Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if said display houses are not moved within a period of one-year, specific permission must be obtained from the City Council for said display houses to remain on their location.
- I. Schools, public elementary, middle or high
- J. Schools, private with curriculum equivalent to that of a public elementary, middle, or high school.
- K. Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- L. Water supply reservoirs, pumping plants and towers.
- M. Accessory buildings and uses customarily incident to the above uses and located on the same lot therewith , not involving the conduct of a retail business

- (1) The term "accessory use" shall include customary home occupations such as the office of a Millner, dressmaker, musician or artist, provided that such uses are located in the dwelling used by such person as his or her private residence and no window display or sign is used to advertise the same.
- (2) A billboard, signboard, or advertising sign shall not be permitted as an accessory use, except that the placing of an unilluminated "for Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and except that churches and other institutions may display signs showing names, activities and services therein provided, and that during construction of a building one (1) unilluminated sign advertising contractors or architects on such premises shall be permitted, provided that such sign shall not be more than eight (8) square feet in area and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.
- (3) A private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than seventy-five (75) feet from the front lot line nor less than ten (10) feet from any side or rear lot line, and in the case of corner lots, not less than the distance required for residences from the side streets. A garage or servants' quarters
- (4) Quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.

(b) Area Regulations.

A. Size of Yards.

(1) Front Yard. There shall be a front yard having a depth of not less than fifty (50) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No parking shall be allowed within the required front yard.

(2) Side Yard.

There shall be a side yard on each side of the lot having a width of not less than twenty (20) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.

(3) Rear Yard.

There shall be a rear yard having a depth of not less than twenty-five (25) feet.

B. Size Lot.

(1) Lot area. No building shall be constructed on any lot of less than one (1) acre.

(2) Lot Width.

The width of the lot shall not be less than one hundred twenty-five (125) feet at the front street building line nor shall its average width be less than one hundred twenty-five (125) feet.

(3) Where a lot having less area and or width than herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

© height Regulations.

No building shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

### **Section 5. Business District.**

The following regulations shall apply to the Business District.

- (a) Muse regulations. Within the Business District, only the following uses and structures shall be permitted:
- A. Any use permitted in District "R-I"
  - B. Automobile parking lots
  - C. Bakeries, retail sales only
  - D. Banks
  - E. Bowling alleys, drive-in restaurants, other similar places or entertainment or amusement, provided such use is located not less than one thousand (1000) feet from any "R" District.
  - F. Dancing or music academies
  - G. Florist shop or greenhouses.
  - H. Frozen food lockers for individual or family use.
  - I. Gasoline service stations, provided that the activities permitted do not include major automobile repairs, the storage or dismantling of old or wrecked motor vehicles, the sale of used automobile parts, or the sale of new or used motor vehicles.
  - J. Laundries, self-service.
  - K. Office and office buildings.
  - L. Personal service uses including barber shops, beauty parlors, photographic or artist studios, messengers, taxi-cabs, newspaper or telegraphic service stations dry cleaning and pressing, dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, restaurants and other personal services uses of similar character.

M. Retail stores and other local business uses supplying the everyday shopping needs of immediate neighborhood and subject to the following conditions.

- (1) That it be conducted wholly within the enclosed building.
- (2) That required yards be not used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
- (3) That all merchandise be first-hand and be sold at retail on the premises.
- (4) That such use be not objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

N. Signs (advertising) used in connection with and on the same lot as the business establishments to which they refer, except that they shall not be placed within any required yard nor within twenty-five (25) feet of any "R" District.

O. Theater.

P. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.

(b) Area Regulations

A. Size of yards

- (1) Front Yard, Same as District "R-1"
- (2) Side Yard, Same as District "R-1"
- (3) Rear Yard. Same as District "R1"

(c) Height Regulations

No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of

eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.

**Section 6. Manufactured Housing District.** The following regulations shall apply to the Manufactured Housing District.

(a) Use Regulations. Within the Manufactured Housing District, only the following uses and structures shall be permitted:

- A. Any use permitted in District "R-1"
- B. Manufactured housing

(B) Standards and Site Requirements. All manufactured housing shall comply with the following standards:

- a. The structure shall be secured on a permanent foundation.
- b. The main roof shall be pitched, rather than flat.
- c. The house shall appear to face the street and have a gabled entry or other break in the façade of equivalent proportions.
- d. The exterior walls shall look like wood or masonry, regardless of actual composition.
- e. The foundation shall form a complete enclosure under exterior walls.
- f. Size shall be consistent with other house in the neighborhood.
- g. All standards established by either the Texas Department of Labor and Standards or the U.S. department of Housing and Urban Development (HUD) as appropriate.

(c) Area Regulations



A. Size of Yards

(1) Front Yard, Same as District "R-1"

(2) Side Yard. Same as District "R-1"

(3) Rear Yard, Same as District "R-1"

(d) Height Regulations

Same as District "R-1)

**Section 7. Height and Area Exceptions and Modifications**

(a) Height

A. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flag poles, electric display signs, and necessary mechanical appurtenances.

B. Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet, and churches and other places of worship may be erected to a height not exceeding seventy-five (75) feet when each of the required yards are each increased one (1) foot for each foot of additional building height above the height regulation for the district in which the building is located.

C. No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.

(b) Front Yards

- A. Where twenty-five (25) percent or more of the frontage upon the same side of a street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this Ordinance or where the configuration of the ground is such that conformity with the front yard provisions of this Ordinance would work a hardship, the City Council may permit modifications of the front yard requirements.
- B. In district "R-1" and "MH", where twenty-five (25) percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this Ordinance no other lot upon the same side of such street between intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards, unless by permission of the City Council.
- C. In a residential district, no fence, structure, or planting higher than three and one-half (3 ½) feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.
- D. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet: provided, however, that no supporting structure for such extensions may be located within the required front yard. An un enclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building

line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy or the columns supporting same.

- E. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line to the nearest line of the building.

### (c) Side Yards

- A. On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than fifty (50) feet.
- B. No accessory building shall project beyond a required yard line along any street.
- C. Where a lot of record at the time of the effective date of this Ordinance is less than 125 feet in width, the required side yard may be reduced to provide a minimum buildable width of fifty (50) feet, provided, however, that no side yard shall be less than ten (10) feet.
- D. The area required in a yard shall be open to the sky, unobstructed, except for the ordinary projections of window sills, belt courses, cornices or other ornamental features.
- E. A roof overhang, an open fire escape or an outside stairway may project not more than three (3) feet into a required side yard, but no closer than seven (7) feet to a property line.

Ordinance 1

Add. 4-1-21

If you own property within the city limits or the ETJ you must adhere to the city ordinances.

*Karen Daloney*

Mayor

*Mark Stuch*

Commissioner

*Peggy Smith*

Commissioner