

# **ZONING ORDINANCE**

**A COMPILATION OF ORDINANCES 294, 435, 564, 566, 649, 727, 732,  
736, 742 & 757**

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

**WHEREAS**, the City Council of the CITY OF DONNA, deems it necessary in order to lessen congestion on the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare: to provide adequate light and air; to prevent the over crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, parks, and other public requirement; to conserve the value of property and encourage the most appropriate use of land throughout the city, all in accordance with the comprehensive plan here to for adopted ; **NOW**

**THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS:**

## **PART 1. ENACTMENT AND DEFINITIONS**

### **SECTION 1. SHORT TITLE.**

The Ordinance shall be known and may be cited as "The City of Donna Zoning Ordinance".

## SECTION 2. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word plot; the term "used for" includes the meaning "designed for" or "intended for". Said words and terms are as follows:

1. **Accessory Use of Building.** An accessory use of building is a subordinate use of building customarily incident to and located on the same lot occupied by the main use of building.
2. **Alley.** A public way which affords only a secondary means of access to property abutting there on.
3. **Apartment Hotel.** An apartment house, which furnishes for the use of its tenant's services ordinarily, furnished by hotels, but the privileges of which are not primarily available to the public.
4. **Boarding house or lodging House.** A building other than a hotel occupied as a single housekeeping unit where lodging or meals are previous arrangements for definite periods, but not to the public or transients.
5. **Building.** Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.
6. **Building Height of.** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip and gambrel roofs.
7. **Building Line.** A line parallel or approximately parallel to the street line, and beyond, which buildings may not be erected.
8. **Clinic.** An establishment where patients, who are not lodged overnight, are Admitted for examination and treatment by a group of physicians practicing medicine together.
9. **Club.** A building or portion thereof or premises owned or operated by a corporation association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
10. **Dwelling.** Any building or portion thereof which is designed for and used for residential purposes.

- 11. Dwelling Single -Family.** A building designed for or occupied exclusively by one (1) family.
- 12. Dwelling Multi-Family.** A building designed for or occupied exclusively by three (3) or more families.
- 13. Family.** One or more individuals living together as a single housekeeping unit, as distinguished from a group occupying a boarding house lodging house or hotel as defined herein.
- 14. Frontage Block.** All the property on one side of a street between streets (Crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- 15. 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 in contradistinction to boarding house, a lodging house, or an apartment.
- 16. Loading Space.** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 ft. and a vertical clearance of at least fourteen (14) feet.
- 17. Lot.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory building, and having its principal frontage upon a street or upon an officially approved place.
- 18. Lot Depth of.** The mean horizontal distance between the front and rear lot lines.
- 19. Motor Court or Motel.** A building or group of building, used for the temporary residence of motorists or travelers.
- 20. Non-Conforming Use.** The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.
- 21. Place.** An open, occupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

- 22. Servants Quarters.** An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
- 23. Story.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- 24. Story, Half.** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.
- 25. Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- 26. Street Line.** A dividing line between a lot, tract or parcel of land and a contiguous street.
- 27. Structure.** Anything constructed, or erected, which requires location on the ground, including, but not limited to, buildings of all types, advertising signs, billboards, and poster panels.
- 28. Structural Alterations.** Any change in the supporting members of a structure, such as boarding walls, columns, beams or girders.
- 29. Tourist Home.** A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) persons and open to transient guest.
- 30. Trailer Camp or Park.** An area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.
- 31. Yard.** An open space at grade between a building and the adjoining lot lines, unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the minimum horizontal distance between the lot line and the main building shall be used.
- 32. Yard Front.** A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of

the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**33. Yard Rear.** A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

**34. Yard Side.** A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

### **SECTION 3. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.**

For the purposes of this Ordinance, the City of Donna is hereby divided into five (5) districts as follows:

- District R-1. Single -Family Residential District
- District R-2. Multi-Family Residential District
- District B-1. Local Business District
- District B-2. General Business District
- District M-H. Mobile Home District

The location and boundaries of the districts herein established are shown upon the Official 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 if fully set forth and described herein. Said Zoning Map properly attested, is on file in the office of the City Secretary.

#### **SECTION 4. RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES.**

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

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways street lines or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of street, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale on said Zoning Map.
4. In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.
5. In the case of a district boundary line dividing a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
6. Whenever any street, alley or other public way is vacated by official action of The City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
7. Where the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the streets or alleys on the ground shall control.

## **SECTION 5. COMPLIANCE WITH THE REGULATIONS.**

Except as hereinafter specifically provided:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, to exceed the height limit herein established for the district in which such building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered, to exceed the height limit herein established for the district in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
5. No building shall be erected, or structurally altered to the extent specifically provided here in after except in conformity with the loading regulations of the district in which such building is located.
6. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected shall not be encroached upon or considered as part of the yard or parking space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.
7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, there shall not be more than one main building on one lot.

## **PART II. DISTRICT REGULATIONS**

### **SECTION 6. DISTRICT "R-1." SINGLE-FAMILY RESIDENTIAL DISTRICT.**

#### **SUB-SECTION 6-1. USE REGULATIONS.**

A building or premise shall be used only for the following purposes:

- A. One-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 golf courses, driving ranges or similar forms of commercial amusement.
- E. Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) 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 locations.
- I. Schools, public elementary or high.
- J. Schools, private, with curriculum equivalent to that of a public elementary 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. Private clubs and fraternal orders when not operated for private profit.

N. 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 milliner, dressmaker, musician or artist, provided that such uses are located in the dwelling used by such a person as his or her private residence, and provided that no assistant not a member of the family residing on the premises is employed.
- (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 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 sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servant's quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.

#### **SUB-SECTION 6-2. HEIGHT REGULATIONS.**

No building shall exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height.

#### **SUB-SECTION 6-3. AREA REGULATIONS.**

##### **A. Size of Yard**

(1). **Front Yard.** There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required

front yard shall be provided on both streets. In irregular shaped lots located at the end of cul-de-sacs or similar lots, the front yard shall have a minimum depth of ten (10) feet.

(2). **Side Yard.** There shall be a side yard on each side of the lot having a width of at least six (6) feet or ten percent (10%) of the lot width, whichever is lesser but being not less than five feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet except on subdivisions recorded before the zoning ordinance was adopted (2-10-1970) where it shall not be less than (10) feet. Side yard requirements for allowable non-residential uses shall not be less than twenty-five (25) feet.

(3). **Rear Yard.** There shall be a rear yard having a depth of not less than fifteen (15) feet measured from centerline of easement as in Sub-Division Ordinance.

B. Size of Lot.

(1). **Lot Area.** No building shall be constructed on any lot less than seven-thousand two hundred (7,200) square feet.

(2). **Lot Width.** The width of the lot shall not be less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.

(3). **Lot Depth.** The average depth of the lot shall not be less than one-hundred twenty (120) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.

(4). Where a lot having less area, width and/or depth 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.

## **SECTION 7. DISTRICT "R-2." MULTI-FAMILY RESIDENTIAL DISTRICT.**

### **SUB-SECTION 7-1. USE REGULATIONS.**

A building or premises shall be used only for the following purposes

- A. Any use permitted in District "R-1".
- B. Multi-family dwellings.
- C. Boarding and lodging houses.
- D. Day nurseries.
- E. Dormitories for students.
- F. Fraternity or sorority Houses.
- G. Hospitals, clinics, and (sanitariums) except a criminal, mental, or animal hospitals.
- H. Hotels and motels.
- I. Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution.
- J. Nursing and convalescent homes.
- K. 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.
- L. Mobile parks (trailers). Mobile parks must conform to the current Ordinance, regulating same.

### **SUB-SECTION 7-2. 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 (8) stories if set back from all required yards lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.

### **SUB-SECTION 7-3. AREA REGULATIONS.**

#### **A. Size of Yards.**

- (1) Front Yard. Same as District "R-1".
- (2) Side Yard. There shall be a side yard on each side of the lot having a width of not less than six (6) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than fifteen (15) feet.
- (3) Rear Yard. Same as District "R-1"

#### **B. Size of Lot.**

- (1) Lot Area. No building shall be constructed on any lot less than five thousand (5,000) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than six thousand (6,000) square feet. No lot shall contain less than fifteen hundred (1,500) square feet per dwelling unit, providing however that this regulation shall not apply to hotels, apartment hotels, or motels where no cooking is done in any individual room.
- (2) Lot Width. The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
- (3) Lot Depth. The average depth of the lot shall not be less than one hundred (100) feet except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth is no less than eighty (80) feet.
- (4) Where a lot having less area, width and/or depth 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, or a three-family dwelling on a lot containing not less than five thousand (5,000) square feet.

C. Lot Coverage. No case shall have more than forty (40) percent of the total lot area be covered by a main building.

## **SECTION 8. DISTRICT "B-1". LOCAL BUSINESS DISTRICT.**

### **SUB-SECTION 8-1. USE REGULATIONS.**

A building or premise shall be used only for the following purposes:

- A. Any use permitted in District "R-1" or "R-2" Except for Mobile Home Parks.
- B. Automobile parking lots.
- C. Bakeries, retail sales only.
- D. Banks.
- E. Bowling alleys, drive-in restaurants, other similar places of entertainment or amusement, provided such use is located not less than one hundred (100) feet from any "R" District.
- F. Dancing or music academics.
- G. Florist shops 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. Offices and office buildings.
- L. Personal service uses including barbershops, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning and pressing, dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, restaurants, and other personal service 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 is conducted wholly within an 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. All merchandise other than dry goods shall be first hand (The sale of second hand dry goods shall be permitted.) All merchandise, whether first or second hand shall 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.

#### **SUBSECTION 8-2. HEIGHT REGULATIONS.**

#### **SAME AS DISTRICT R-2.**

#### **SUBSECTION 8-3 AREA REGULATIONS**

##### **A. Size of Yard.**

###### **(1) Front Yard.**

a.) Residential. Same as District "R-1".

b.) Other Use. There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in Districts "B-1", except that automobile parking will be permitted in such yards if separated by at least one hundred (100) feet from any "R" District.

(2) Side Yard.

a.) Residential. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.

b.) Other Use. A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A yard of less than the (10) feet in width shall be provided on the side of a lot adjoining an "R" District. Otherwise, no side yard is required. No parking, storage, or similar use shall be allowed in any required side yard or in any required side yard adjoin an "R" District.

(3) Rear Yard.

a.) Residential. Same as District "R-1".

b.) Other Use. No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a "R" District.

B. SIZE OF LOT

(1.) Residential. Same as District "R-1."

(2.) Other Use. No limitations.

**SUBSECTION 8-4: BUFFERS BETWEEN COMMERCIAL DEVELOPMENTS AND RESIDENTIAL ZONES OR LAND USES.**

Any commercial building or establishment or major addition to a commercial building proposed for construction adjacent to a property with a residential one or land use shall have an opaque buffer of at least six feet in height across the length of the boundary of the property adjacent to that residential zone or land use.

## **SECTION 9. DISTRICT "B-2". GENERAL BUSINESS DISTRICT.**

### **SUB-SECTION 9-1. USE REGULATIONS.**

A building or premises shall be used for the following shops:

- A. Any use permitted in District "B-1".
- B. Automobile or trailer display and sales, repair garages, tire and seat cover tops, car wash.
- C. Bakeries.
- D. Building material storage yards.
- E. Business or commercial school.
- F. Candy and jewelry manufacturing.
- G. Carpentry, painting, plumbing or tinsmith of a lot abutting or across a rear street from an "R" District.
- H. Cleaning and dyeing laundry plants.
- I. Creamery, ice-cream manufacturing and dairy operations.
- J. Farm implement display and sales room.
- K. Ice plants.
- L. Milk distributing stations.
- M. Mortuaries.
- N. Pet shops, retail.
- O. Printing, engraving and newspaper plants.
- P. Public utilities substations.
- Q. Radio or television broadcasting station or studio.
- R. Retail stores.
- S. Upholstering shop, not involving furniture manufacturing.

- T. Veterinarian or animal hospital provided that no such building, kennel or exercise runway shall be closer than fifty (50) feet to any "R" District.
- U. Wholesale establishments and warehouses.
- V. Any similar use as determined by the board of Adjustment which are not likely to create any more offensive noise, vibration, dust, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from either uses permitted, such permitted uses being generally wholesale and retail trade, service industries and light industries that manufacture, process stores and distribute goods and materials and are in general dependent on raw materials refined elsewhere.
- W. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.

**SUB-SECTION 9-2. HEIGHT REGULATIONS.**

- A. Residential. Same as Direct "R-2".
- B. Other Use. No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining an "R" district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum allowed elsewhere in District "B-2", at the rate of two (2) feet of additional height for each on (1) foot of additional set back from required yard lines.

**SUB-SECTION 9-3. AREA REGULATIONS.**

- A. Size of Yards.
  - (1) Front Yard.
    - a.) Residential. Same as District "R-1".
    - b.) Other Use. Where all the frontage on both sides of the street is located in District "B-2" no front yard is required. Where the frontage on one side of the street between two intersecting streets is located partly in District "B-2" and partly in an "R" district, the front yard shall conform to the "R" district requirements for a distance of not less than three hundred (300) feet from the district boundary. Where a front yard is required along the frontage of one side of a

street, the front yard requirements of the property directly opposite on the other side of the street shall be not less than fifteen (15) feet, except that such yard requirements shall not apply where the property in the "R" district backs-Unto to the street. No parking, storage or similar use shall be allowed in required front yards in District "B-2."

- (2) Side Yards.
  - a.) Residential. Same as District "R-1".
  - b.) Other use. No side yard is required except that a side yard of not less than (10) feet in width or a side street yard of not less than fifteen (15) feet in width shall be provided on the side of the lot adjoining or across a side street from an "R" district. No parking, storage, or similar use shall be allowed in required side yards or side street yard in District "B2."
- (3) Rear Yards
  - (a) Residential. Same as District "R-1".
  - (b) Other Use. No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from an "R" district, except that such yard requirement shall not apply where the property in the "R" district also backs-up to the rear street.

B. Size of Lot.

- (1) Residential. Same as District "R-2".
- (2) Other Use. No limitations.

C. Lot Coverage.

- (1) Residential. Same as District "R-2".
- (2) Other Use. No limitations.

**SUBSECTION 9-4 BUFFERS BETWEEN COMMERCIAL DEVELOPMENTS AND RESIDENTIAL ZONES OR LAND USES.**

Any commercial building or establishment or major addition to a commercial building proposed for construction adjacent to property with a residential zone or land use shall have an opaque buffer of at least six feet in height across the length of the boundary of the property adjacent to that residential zone or land use.

## **SUBSECTION 9.5. DISTRICT "MH." MOBILE HOME DISTRICT.**

### **SUB-SECTION 9.5-1. USE REGULATIONS.**

A property in the district shall be used only for the following purposes:

- A. Mobile home parks.
- B. Mobile home subdivisions.

### **SUB-SECTION 9.5-2. AREA REGULATIONS FOR MOBILE HOME SUBDIVISIONS.**

- A. Size of Yards.
  - (1) Front Yard. There shall be a front yard having a depth of not less than fifteen (15) feet.
  - (2) Side Yard. There shall be a side yard on each side of the lot having a width of at least five (5) feet. A side yard adjacent to a street shall not be less than ten (10) feet.
  - (3) Rear Yard. There shall be a rear yard having a depth of not less than fifteen (15) feet.
  
- B. Size of Lot.
  - (1) Lot area. No lot shall be less than six thousand (6,000) square feet in area.
  - (2) Lot width. The width of the lot shall be not less than fifty (50) feet except for cul-de-saq lots where they need to average not less than fifty (50) feet. Corner lots shall have a minimum width of sixty-feet (60). For double-wide manufactured homes, lot widths shall be a minimum of sixty (60) feet. Cul-de-saq lots for double-wide manufactured homes shall be a minimum width of sixty (60) feet. Seventy (70) feet is the minimum width for a corner lot for a double-wide manufactured home.
  - (3) Lot depth. The depth of all lots shall be not less than hundred twenty (120) feet.

### **SUBSECTION 9.5-4. AREA REGULATIONS PER DISTRICT.**

- A. All mobile home districts shall have a minimum area of five (5) acres.

## **SECTION 10. HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS.**

### **SUB-SECTION 10-1. HEIGHT.**

- A. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers or scenery lofts, cooling tower, 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 by one (1) 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.

### **SUB-SECTION 10-2. FRONT YARDS.**

- A. Where twenty-five (25) per cent or more of the frontage upon the same side of a street between two intersecting streets in occupancy 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 Board of Adjustment may permit modifications of the front yard requirements.
- B. In District "R-1" or "R-2", where twenty-five (25) per cent or more of the frontage upon the same side of a street between two intersecting streets is occupied partially occupied by a building or buildings with front yards of greater depth than is required by this Ordinance, no other lot upon the same side of such street between such 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 Board of Adjustment.
- C. In a residential district no fence, structure, or planting higher than three and one-half (3 1/2) feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.

- D. Open and enclosed terraces or porches and have and roof extensions may projecting the required front yards for a distance of exceed four (4) feet; provided, however, that no supporting strict for such extensions may be locate within the required front yard, An unenclosed 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 of the columns supporting the 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.

**SUB-SECTION 10-3. 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 thirty (30) feet.
- B. No accessory building shall project beyond a required yard line along any street.
- C. For the purpose of side yard regulation, a multi-family dwelling shall be considered as one building occupying one lot.
- D. Where a lot of record at the time of the effective date of this Ordinance is less than fifty (50) feet in width the required side yard may be reduced to provide a minimum buildable width of thirty (30) feet, provided, however, that no side yard be less than five (5) feet.
- E. The area required in a yard shall be open to the sky, unobstructed, except for the ordinary projections of windowsills, belt courses, cornices or other ornamental features.
- F. 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 three (3) feet to a property line.

**SUB-SECTION 10-4. REAR YARDS.**

An accessory building not exceeding twenty (20) feet in height may occupy not to exceed twenty-five (25) per cent, and unenclosed parking spaces may occupy

not exceed eighty (80) per cent, of the area of a required rear yard but no accessory building shall be closer than twenty (20) feet to the main building nor closer than (5) feet to any rear or side lot lines.

## **SECTION 11. SPECIAL USE REGULATIONS.**

### **SUB-SECTION 11-1. SPECIAL USES.**

The City Council by an affirmative three-fourths (3/4) vote may by Ordinance grant a special permit for the following special uses in any district, except as herein qualified, for which they are otherwise prohibited by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood:

- A. Airport, landing field, or landing strip for aircraft.
- B. Amusement park, but not within three hundred (300) feet of any "R" District.
- D. Commercial, recreational or amusement development for temporary or seasonal periods.
- E. Hospitals, clinic or institution, provided that any hospital or institution permitted in any "R-1" District shall be located on a site of not less than five (5) acres, shall not occupy more than ten (10) per cent of the total lot area and shall be set back from all property lines at least two (2) feet for each foot of building height.
- F. Office building of a civic, religious or charitable organization, conduction activities primarily by mail and not handling merchandise or rendering services on the premises, but only within the "R-2" District.
- G. Privately operated community building or recreation field.
- H. Radio or television broadcasting tower or station.
- I. Drive in theater on a site of not less than ten (10) acres. Before authorization of any of the above special uses, the request therefor shall be referred to the Planning Commission for study and report, concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood. A public hearing shall be held in relation thereto before the City Council, notice and publication of the time and place for which shall conform to the procedure prescribed in SUB-SECTION 11-3 for hearings on amendments.

## **SUB-SECTION 11-2. COMMUNITY UNIT PLAN.**

When the City Planning Commission is petitioned an agency of the city, country, state or federal government or by the owner or owners of a tract of land composing an area of not less than ten (10) acres, for a change in zoning from an existing residential classification to a more intense use in accordance with a community unit plan, the City Planning Commission may within its discretion make the following recommendations to the City Council:

- A. Recommend against the change in zoning.
- B. Recommend a change in zoning.
- C. Recommend that the community unit plan for such area be reviewed and that a special permit for such area be granted subject to the conformance with an approved site plan setting forth the City Council, notice and publication of the time and place for which shall conform to the procedure prescribed in SUB-SECTION 11-3 for hearings on amendments. A special permit granted under the above provisions shall be considered as an amendment to the Zoning Ordinance as applicable to such property. In granting such permit the City Council may impose conditions, which shall be complied with by the grantee before a Certificate of Occupancy may be issued for the use of the building or such property pursuant to said special permit the City Council may impose conditions shall not be constructed as conditions precedent to the granting of the special permit or the change in zoning property, but shall be considered a precedent to the granting of Certificate of Occupancy may be issued for the use of the building or such property pursuant to said special permit or the change in zoning property, but shall be considered a precedent to the granting of a Certificate of Occupancy.

## **SUB-SECTION 11-3. GARDEN APARTMENT PROJECTS.**

The owner or owners of a tract of land in District "R-2" may submit to the City Planning Commission a plan for the use and development of the tract of land for residential purposes. If the Commission approves the development, plan, the plan, together with the recommendations of the Commission, shall then be submitted to the City Council for consideration and approval. The recommendations of the Commission shall accompanied by a report stating the reasons for approval of application and that the plan conforms to the requirement of District "R-2" as to:

- A. Height and Yard requirements for buildings along boundary streets.
  - B. Lot area per family, exclusive of streets.
- Subject to the above, variations in yard requirements and in the number of main

buildings per lot may be permitted. If the Council approves the plan, building permits may be issued, even though the location of buildings to be erected in the area and the yard and open spaces contemplated by plan do not conform in all respects to the district regulations of the district in which it is located. The purpose of this provision is to make possible the development of garden-type multi-family projects, in accordance with the intent and purpose of the ordinance.

#### **SUBSECTION. 11-4. CONDITIONAL USE REGULATIONS**

In order to provide for the compatible and orderly development of the City, certain uses are hereby declared to be conditional. A conditional use is one that may be suitable only in certain location in the zoning district at a particular time or, likes wise, may be inappropriate in a zoning district due to conditions then existing. In general, uses declared to be conditional under the terms of this Ordinance are recreational use operated as commercial enterprise and requiring payment of money or a thing of value by the customer to the owner or operator as a condition to partaking in the recreational activity therein offered.

B. In an extension and not in limitation of the above definition of a conditional use permit the following uses are declared to be conditional:

1. Taverns.
2. Billiard or pool halls.
3. Dance Halls.
4. Skating Rinks.
5. Bowling Alleys.
6. Mental Institutions
7. Drug Rehabilitation Institutions.
8. Halfway houses/transitional centers.

C. Not with standing any other provision of this Ordinance, no conditional use may be established or permitted or authorized under the terms hereof unless a use Permit is first granted by the City in accordance with be issued by the City Council after receipt of recommendation from the Planning and Zoning Commission of said City. The Use permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this Ordinance.

D. Approval-Procedure and Responsibility:

The building Inspector will have the responsibility for processing all applications for use Permits required for conditional uses and for forwarding such application to the Planning and Zoning Commission.

1. After receiving an application for a Conditional Use Permit, the building inspector shall place the request on the agenda of the next Planning

and Zoning Commission meeting at least twenty (20) days from the date the application is received.

2. The building inspector shall conduct a technical review of the application and shall forward a recommendation to the Planning and Zoning commission. The Planning and Zoning commission shall make a formal recommendation to the city Council. The City Council shall approve or disapprove the application, after public hearing and after receiving the report of the planning and Zoning Commission according the procedure set out in this Ordinance.

3. A conditional Use Permit shall be granted only when the proposed use is otherwise permitted in the zoning district in which it is proposed to be located.

4. Granting a Use Permit, the City Council may impose such requirements and condition with respect to location, construction, maintenance, and operation for the particular use that they deem necessary for the protection of adjacent property and in the public interest, In addition to those expressly stipulated in this Ordinance.

E. Application filing procedure and fees: Application shall be made by the property owner, Lessee, or certified agent thereof, to the building Inspector on a form prescribed for this purpose by the City. Such application shall be accompanied by drawing as set forth in the following paragraph. The granting of a use permit does not exempt the application from complying with requirement of the building code or other Ordinance. The fee for a use permit shall be \$50.00 payable at the time application is made. No part of this fee shall be refundable. The application shall contain the following information:

- (a) The name of the proposed use.
- (b) The location of the proposed use.
- (c) The purpose of the proposed use.
- (d) The owner and operators of the proposed use.
- (e) Whether or not alcoholic beverages will be consumed on the premises.
- (f) The hours of operation of the proposed use.

F. SITE PLANS REQUIRED:

1. Purpose: The purpose of the site plan is to insure compliance with the Zoning Ordinance and to assist in the orderly and harmonious development of the City of Donna, to maintain the stability of land values and investments, to potent the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alternations without proper attention to site planning.

2. Filing: The applicant shall file with the building Inspector three (3) copies of his site plan.

3. Contest: The site plans shall contain drawings to scale in triplicate to Indicate:

- a. the location of all structures on the subject property and on adjoining property.
- b. Landscaping and/or fencing of yard and setback areas and the use of landscaping and/or wall or fences for screening purpose.
- c. Design of ingress and egress to minimize interference with traffic flow on abutting streets.
- d. Off-street parking and loading facilities.
- e. Height of all structures.
- f. Proposed uses, and the location and types of all signs including lighting and heights.
- g. Prerequisites for Approval:

1. No structure or property in any district shall be used for a use listed as a "conditional use" without first having a use permit for such use from the City Council.

2. The City Council, after receipt of report and recommendations from the planning and zoning commission may permit a conditional use subject to appropriate conditions and safeguards when, after public notice and hearing, It finds and determines:

- a. That the proposed use meets all the minimum standards established in this Ordinance and in other Health and Safety Ordinances of the City of Donna for this type of use.
- b. That the proposed use is in harmony with the purpose and intent of this Ordinance and of the plan for the physical development of the district, as embodied in the comprehensive plan of the City of Donna, Texas;
- c. That the proposed use will not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, non-be substantially and permanently injurious to neighborhood property. The City Council, in making this determination, may take into account the place or manner in which the applicant is likely to conduct the business and the number of similar establishment in the area, if any. An undue concentration of conditional uses in any area of the City shall be avoided.

3. The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this Ordinance and to mitigate adverse effects of it being used. The requirements may include, but are not limited to increased open space, loading and parking requirement, suitable landscaping and additional improvement such as curbing and sidewalks.
  - a. Development and/or Automatic Cancellation: Following the issuance of the Use Permit, the Building Inspector shall ensure that if the development is undertaken, it is completed in compliance with said permit. However, if a use permit has not been used within six- (6) months after the date granted, the permit is automatically canceled.
  - b. Any existing conditional use in operation prior to the effective date of this amendment is hereby declared to be a non-conforming use and subject to the provisions of section 12, of this Ordinance. However, any non-conditional conditional use which holds a license or permit from the Texas Alcoholic Beverages Commission authorizing the sale or consumption of alcoholic beverages shall become subject to the provisions hereof upon the transfer of such license or permit to a different person and the new licensee or permit shall not be entitled to use the premises for any use for which a Use Permit is required until he has applied for a Use Permit and Use Permit has been granted by the City Council as per the requirements and Procedures as hereinabove set forth.

#### **SUBSECTION 11-5 ADDITIONAL CONDITIONAL USE REGULATIONS.**

1. In order to provide for the compatible and orderly development of the City certain addition uses are hereby declared to be conditional.
2. In extension and not in limitation of the definition of a condition use as explained in Ordinance 435 Section 2a, the following uses are also declared to be conditional:
  - a. Sale of alcoholic beverages for off-premise consumption
  - b. Daycare in residential zones.
  - c. Bookkeeping services in residential zones.
  - d. Barber shops or beauty salons in residential zones.
  - e. Printing shops or any other work related occupation in a residential zone that involves permanent business signs and increased traffic in the are.

3. The Planning and Zoning Commission shall make final decisions regarding daycare, bookkeeping services, barbershops and any other home occupations. The final decision on the rest of the conditional uses shall be made by the city Council after a vote -recommendation from the Planning and Zoning Commission.

4. Conditional use permit applies to a person and is not transferable to any other person.

5. If the person having a conditional use permit does not renew the T.A.B C. or health permit license or if the building official becomes aware that the conditional use has not been in operation for longer than six (6) months, the person that had the conditional use permit has to re-apply and be granted a new conditional permit in order to operate again.

### **SUBSECTION 11-6: MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS:**

1. Its the purpose of this section to state the guidelines for providing off-street parking space consistent with the proposed land use in order to (1) eliminate occurrence of nonresident on-street parking adjoining neighborhoods: (2) avoid the Traffic congestion and public safety hazards caused by a failure to provide such parking space: and (3) expedite the movement of traffic on public thoroughfares by prohibiting curd parking.

2. In all Zoning districts there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, or at fine time any other use is established, Off-street parking spaces for automobiles in accordance with the requirement specified herein.

#### **3. NUMBER OF OFF-STREET PARKING SPACES REQUIRED.**

The number of off-street parking spaces required shall be determined as follows. If for any reason the classification of any use is not readily determinable hereunder the classification and requirement for such use shall be determined by the board of adjustment.

##### **A. Residential parking required:**

(1) Two Paved parking spaces per dwelling unit shall be provided of the following, with the parking area located on the same lot as the main building or building which could be in an enclosed garage.

- a) Single-family dwelling, including townhouses.
- b) Two-family (duplex) dwelling.
- c) Three-family (triplex) dwelling
- d) Four-family (fourplex) dwelling.

\* This regulation does not apply to residences in mobile home parks

(2) Minimum number of paved and striped off-street parking spaces per dwelling unit required for multifamily dwelling units or condominiums;

- a) Zero-bedroom or efficiency dwelling units, 1.0 space per unit.
- b) One -bedroom dwelling units, 1.5 spaces per unit.
- c) Two-bedroom dwelling units, 1.75 spaces per unit.
- d) Three-or more bedroom dwelling units, 2.0 spaces permits.

(3) One and one-half parking spaces for each person shall be provided for the following establishment:

- A) Dormitory
- B) Lodging house
- C) Rooming house
- D) Other similar group quarters.

B. Nonresidential parking requirement:

1. Commercial use, office and professional building: the spaces for up to 300 square feet of floor area, plus one spaces for each additional 300 square feet of floor area.

2. Restaurant, nightclub, cafe or similar recreation or amusement establishment: One parking space for each 100 square feet of floor area, or one space for each four seats, whichever is greater.

3. Theaters, auditoriums, churches, temples, assembly hall sports arenas and stadiums one space for each three seats in the main auditorium or seating area.

4. Dance, assembly and exhibition halls without fixed seats: One space for each 11 square feet used One space for each 100 square feet used for assembly or dancing.

5. Hotel or motel one parking space for each for each sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein.

6. Hospital: one parking space for each bed.

7. Sanitarium, convalescent home, homes for the aged or similar institution: On parking space for each two beds.

8. Medical or dental clinics: five for each doctor or dentist plus one for each employee.

9. Bowling alley; Five parking spaces for each alley.

10. Mortuary or funeral home, One parking space for each 50 square feet of floor space in slumber room parlors and individual funeral service room.

11. Day nurseries, day care center, and kindergartens with over six children One parking space for two employee, plus an off-street drive and loading space for a minimum of four cars for the transferring of passengers.

12. School except high school or college: One and one-half spaces for each classroom.

13. College or high school One Parking space for each eight seats in the main auditorium of four spaces for each classroom, whichever is greater.

14. Manufacturing plants research laboratories: One for each 1.5 employee in the maximum work shift.

15. Warehouse: One for each employee in the maximum work shift.

16. Terminal Facilities, truck terminal and other similar personal and/or material facilities: one for each 200 square feet of floor area when no are housing facilities:

One for 200 square feet of floor area when no warehousing facilities are provided: one for each 700 square feet when warehousing facilities are provided.

17. Bus depots: One for each 100 square feet off floor area.

18. Lumberyards and wholesale establishments: One for each 150 square feet of sales floor area, plus one for each warehouse employee.

19. Exception. Groups of use requiring vehicle parking space may join in establishing group parking areas where it can be established before the building inspector that parking for two specific uses occurs at alternating periods. If established, the parking space requirements of the use equipping the greater number of spaces may be applied to both uses in a combined parking area. such parking shall be within 300 feet of all use to be served by such parking. this is only application with the same ownership.

#### 4. Off-PREMISES LOCATION OF PARKING.

Premises location. For any new use, building or structure where the required off-street parking cannot be provided of the premises because of the size or the location of the lot, such parking may be provided on other property under the same ownership not more than 200 feet distant from the building site and provided the proposed parking area is located in a district where parking lots are permitted.

#### 5. CLARIFICATION, EXCEPTION AND MODIFICATION OF OFF-STREET PARKING REQUIREMENTS.

- A. No parking space located on a public street or alley may be included in the calculation of off-street parking requirements.
- B. Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the requirement of this ordinance.
- C. In the event that the owner of a piece of property has insufficient street frontage to comply with above parking requirements, the board of adjustment may grant permission to lessen the parking requirements.
- D. When the computation for the number of parking spaces required under this ordinance results in the requirement of a fractional space, the fractional space to the whole space total.
- E. When a lot is used for a combination of uses the off-street parking requirements are the sum of the requirement for each uses and off-street parking space for one use is included in the calculation of off-street parking requirement for any other use.
- F. Except for single-family, duplex and town houses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is prohibited.
- G. The parking space required for a use not specifically mentioned herein shall be the same as required for a similar nature.
- H. After the effective date of this ordinance, whenever a property is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise, to create a need for an increase to ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change as proportional percentage. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in

floor area used said building or use shall then and thereafter comply with the parking requirements set forth therein.

I. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the portion of a building nearest to a off-street proceeded, however that such equipment may be parked on residential premises for not to exceed 24 hours during loading or unloading. NO such equipment shall be used for living sleeping or housekeeping purpose when parked or stored on a residential lot, or in any location not approved for such use. for purposes of these regulations, major recreational equipment are defined as including boats and boat trailers, travel trailers. pickup campers or coaches (designed to be mounted on automotive vehicles ) , motorized dwelling , tent trailers, and the like and cases or boxers transporting recreational equipment , whether occupied by such equipment or not.

## 6. OFF-STREET LOADING REQUIREMENTS.

In all commercial zoning districts there shall be provided, in connection with appropriate allowable uses, off-street loading facilities in accordance with the following requirements:

Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouses, or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for such use shall be provided with off-street truck loading or unloading berths at least 12 feet high wide, feet high, 14 feet high, and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering to utilize such loading space will not include street right-of-way Square feet of aggregate.

<b>Required Number</b>	<b>Gross floor area</b>
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 400,000	5
320,001 to 490,000	6
400,001 to 490,000	7
for each additional 90,000 over 490,000	1 additional

## 7. DESIGN AND CONSTRUCTION STANDARDS OF OFF-STREET PARING

All parking areas and spaces shall be designed and constructed in accordance with the following requirement:

- A. All parking areas and spaces shall be designed and constructed so as to have free ingress at all times.
- B. No parking spaces or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk except in the case of single-family residences, duplex and townhouses.
- C. Tire stops shall be installed by the property owner at commercial, industrial, institutional or multi-family development before a certificate of occupancy is issued if determined to be needed by the building inspector.
- D. Minimum dimensions for off-street parking:
1. Ninety-degree angle parking: each space shall be not be less than nine feet in width and 18 feet in length. Maneuvering shall not be less than 24 feet in width.
  2. Sixty-degree angle parking: Each parking spaces shall be not less than 20 feet in length when measured at right angle to building or parking line. Maneuvering space shall be not less than 20 feet in width perpendicular to the building or parking line.
  3. Forth-five -degree angle parking: Each parking space shall be not less than 18 1/2 feet in length when measured at right angle nor less than 16 feet in width perpendicular to building or parking line.
  4. When off-street parking facilities are located adjacent to a public alley, the width of said alley might be utilized as a portion of the maneuvering space requirement, provided the alley is paved. When off-street parking facilities are provided in excess of minimum amounts herein specified, or when off-aster parking and maneuvering space herein specified.
- E. Pavement standards: all parking lots shall be paved according to city standards and specifications. All private parking shall be constructed of either a concrete or asphalt surface. Minimum construction requirements for commercial, institutional, multi-family and single-family shall be six-inch caliche base and one hundred twenty-five (125) pounds per square yard asphalt surfaces or standard concrete at two thousand five hundred (2,500) pounds per square inch. Minimum construction requirements for industrial uses shall be eight-inch square yard or eight-inch reinforced concrete.
- F. No parking area shall be designed or constructed which ends in a dead end if more than three parking spaces in depth unless adequate turnaround space is provided.

G. All entrances or exits in a parking area shall be a minimum of 24 feet and a maximum of 30 feet in width, unless one-way in which case they shall be a minimum of 12 feet for entrances and a minimum of nine feet for exits.

H. No parking areas or parking spaces shall be allowed to pave over or utilize public right-of-way with the exception of approved entrances and exits.

I. Parking lot lighting:

1. Illumination of parking areas shall be required for all parking areas with more than 20 parking spaces. The illumination may be provided through the use of lighting fixtures that shall be arranged, located or screened to direct light away from any adjoining or abutting residential zoning districts or land use or any street right-of-way.

Illumination for parking areas shall be provided as follows:

a) The minimum amount of maintained illumination for open parking shall be as provided in following table.

<u>USE</u>	<u>FOOT CANDLES</u>	<u>UNIFORMITY RATIO</u>
Low Activity	0.5	4:1
Medium Activity	1.5	3.1
High Activity	2.0	3.1

b) For purposes of interpreting the table above the following rules shall apply: High activity use shall include major league athletic events, major regional shopping centers, and similar uses; low activity uses include local merchant parking (less than fifteen acre sites,) Hospitals, industrial employee parking, and similar use.

J. No occupancy permit shall be issued by chief building inspector of the city until the terms and conditions of this ordinance have been met, as certified by the director of planning.

All parking areas and parking spaces shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area. In accordance, all of-street parking areas shall be effectively screened on each side by a buffer as herein defined, from any adjoining property zoned single-family or multi-family residential.

#### **SUBSECTION 11-7 LANDSCAPING REQUIREMENTS.**

Landscaped areas shall be provided before a certificate of occupancy is issued on all parcels, lots or tracts within the city for all-new development, construction or reconstruction in full compliance with the provisions below. The following landscaping requirements shall apply to all land within the city limits upon issuance of a building permit.

1. Landscaping shall be provided as follow:

A. Ten (10) percent of gross building site area shall be landscaped for all multifamily, commercial and industrial districts along the sides fronting a public street

B. Landscaping shall not obstruct view from any driveway approach, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return as indicated on the approved construction plans

C. The plans for such landscaped area shall be submitted to the building inspection department at the time of application for building permit and no permit shall be issued unless the landscaping plan has been approved.

D. The owner, or his agent shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy neat, and orderly appearance and shall be kept free from refuse and debris.

## **SECTION 12. NON-COMFORMING USES**

The lawful use of a building existing upon the effective date of this ordinance may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the building as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming building use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of this Ordinance.

In the event a non-conforming use of any building or premises is discontinued for a period of ninety (90) days, the use of same shall thereafter, conform to the provisions of the district in which it is located. A non-conforming use if changed to a conforming use or a more restricted non-conforming use, may not thereafter be changed back to a less restricted use than to which it was changed. If by amendment to this Ordinance any property is hereafter transfer to a more restricted district by a change in the district boundaries, or the restrictive or of a higher classification, the provisions of this Ordinance relating to the non-conforming use of buildings or premises existing upon the effective date of this Ordinance shall apply to buildings or premises occupied or used upon the effective date of such amendment. Repairs and alterations may be made to a non-conforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use. A non-conforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In the case of partial destruction by fire or other causes not exceeding fifty per cent (50%) of its value, the Building Inspector shall issue a permit for reconstruction. If destruction is greater than fifty per cent (50%) of its value, the Board of Adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the person affected when considered in the light of public welfare and the character of the areas surrounding the designated non-conforming use and the purposes of this Ordinance.

## **PART III ADMINISTRATIVE PROVISIONS**

### **SECTION 13. OFFICIAL ZONING MAP**

The Official Zoning Map of the City of Donna shall be kept in the office of the City Secretary and one (1) copy shall be maintained in the office of the Building Inspector. It shall be the duty of the City Engineer to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the City Council may from time to time order by amendments to the Zoning Ordinance and Map. The City Secretary, up the adoption of this Ordinance shall affix a certificate identifying the map in his office as the Official Zoning Map of the City of Donna. He shall likewise officially identify the copies directed to be kept by the Planning Commission and in the office of the Building Inspector.

### **SECTION 14. ENFORCEMENT AND APPLICATION.**

#### **SUB-SECTION 14-1. ADMINISTRATIVE OFFICIAL.**

The provisions of this ordinance shall be administrated and enforced by the Building Inspector of the City of Donna. The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

#### **SUB-SECTION 14-2. REQUIREMENTS FOR BUILDING PERMIT.**

All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:

- A. The actual shape and dimensions of the lot to be built upon.
- B. The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
- C. The lines within which the proposed building and structure shall be erected or altered.
- D. The existing and intended use of each building or part of building or part of building.

- E. The number of families or housekeeping units the building is designed to accommodate.
- F. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

One copy of such plot plans will be returned to the owner when such plans have been approved. An inspection period of as much as two weeks shall be allowed for inspection of plans before a permit shall be issued.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor and the lot shall be staked out on the ground before construction is started.

#### **SUB-SECTION 14-3. EXISTING PERMITS AND PRIVATE AGREEMENTS.**

This Ordinance is not intended to abrogate or annul:

- A. Any permits issued before the effective date of this Ordinance.
- B. Any easement, covenant or any other private agreement.

#### **SUB-SECTION 14-4. PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES.**

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or sorseitures may be instituted or causes presently pending be proceeded with in all respects as if such prior Ordinance had not been repealed.

#### **SUB-SECTION 14-5. COMPLETION OF AUTHORIZED BUILDINGS**

Nothing in these regulations nor in any amendments hereto which change district boundaries shall requiring change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of passage of this Ordinance, provided such building was

authorized by building permits before the passage of this Ordinance, and further provided construction shall have been started within ninety (90) days of the passage of this Ordinance.

Commitments with reference to construction of public utility buildings necessary for proposed expansion of the City made prior to the passage of this Ordinance shall be observed.

#### **SUB-SECTION 14-6. NEWLY ANNEXED AREAS.**

A. Zoning Annexed Areas. All territory annexed to the City of Donna hereafter shall be temporarily classified as District "R-1", Single-Family Residential, only until permanently zoned by the City Council of the City of Donna. The Planning Commission shall, as soon as practicable after annexation of any territory, recommend to the City Council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.

B. Permits in Temporary Zoned Areas. In an area temporarily classified as District "R-1", Single-Family Residential, no permit for the construction of a building or use of land other than types of buildings or land use allowed in said district under this Zoning Ordinance shall be issued by the Building Inspector until such permit has been specifically authorized by the City Council after receipt of recommendation from the Planning Commission. Permits for the construction of buildings in a newly annexed territory prior to permanent zoning may be authorized under the following conditions: An application for any use shall be made to the Building Inspector, said application to show the use contemplated, and a plat showing the size and type of buildings to be constructed; and if such application is for other than a building allowed in District "R-1", Single-Family Residential, it shall be referred to the Planning Commission for recommendation to the City Council which shall grant or deny the permit; provided that a favorable vote of a three-fourths (3/4) majority of all the members of the City Council shall be required if the recommendation of the Planning Commission is not followed.

C. Unplanned Property, The Planning Commission of the City of Donna shall not approve any plat or any subdivision within the city limits of the City of Donna until the area covered by the proposed plat shall be permanently zoned by the City Council of Donna.

## **SECTION 15. BOARD OF ADJUSTMENT.**

The word "Board" when in this Ordinance shall be construed to mean the Planning & Zoning Commission of the City of Donna, Texas which shall sit and act in all matters as the Board of Adjustment mentioned herein.

### **SUB-SECTION 15-1. ORGANIZATION AND PROCEDURE**

A. Establishment. A Board of Adjustment is hereby re-established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said Statutes.

B. Membership. The board shall consist of five citizens of Donna.

C. Meeting. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

D. Hearings. The hearings of the Board of Adjustment shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.

E. Rules and Regulations. The Board shall keep minutes of its proceeding, showing, the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which three members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions as it may deem necessary to carry into effect the provisions of the Ordinance, shall furnish a copy of the same to the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

### **SUB-SECTION 15-2. APPEALS.**

A. Procedure. Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the City. Such appeal shall be made by filing with the office of the Board a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.

B. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice to the officer from whom the appeal is taken and on due case shown.

C. Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two-hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other person deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City of Donna and depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

D. Decision by Board. The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirements, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

### **SUB-SECTION 15-3. POWERS AND DUTIES OF BOARD.**

A. Supoena Witnesses, ect. The Board shall have the power to supoena witness, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

B. Appeals Based on Error. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, re-requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.

C. Special Exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows or else where in this Ordinance:

(1) Permit the erection and use of buildings or the use of premise for railroads.

(2) To permit a public utility or public service use or structure in any

district, or a public utility or public service building of a ground around of a height at variance with those provided for in the district in which such public utility or public service building is permitted necessary for the public health, convenience, safety, or general welfare :

(3) To permit a transitional use between a business or industrial and a residential district where the side of a lot in District "R-1", abuts upon lot zoned for business or industrial purposes as follows:

a.) On a lot in District "R-1" Which sides upon a lot zoned for business or industrial purpose, the board may permit a two-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.

b.) Provided, however, that in no case shall any transitional use have a width of more than one hundred (100) feet.

(4) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.

(5) Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) per cent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the no-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

(6) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make necessary the full provision of provision of parking and loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting advantage or a convenience.

(7) Permit and within three hundred (300) feet of multi-family dwelling to be improved for the parking spaces required in connection with a multifamily dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multi-family dwelling.

(8) To determine whether an industry should be permitted within district "B-2" General Business operated and because of its effect upon uses within surrounding zoning districts.

(9) To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.

D. Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance shall be observed and substantial justice done, including the following:

(1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties of unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions provided such variance will not seriously affect any adjoining property or the general welfare.

(2) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relying to the use, construction or alteration of buildings or structures or the use of land will impose upon him unusual and practical difficulties of particular hardships, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as convenience to the applicant, but will alleviate some so great as to warrant a variance from the comprehensive plan as established by this ordinance, and at the same time, the surrounding property will be properly protected.

E. Changes. the Board shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

## **SECTION 16.CERTIFICATES OF OCCUPANCY.**

### **SUB -SECTION 16-1, REQUIRED FOR.**

Certificates of occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered.
- B. Change in use of an existing building to a use of a different classification.
- C. Occupancy and use of vacant land except agricultural use.
- D. Change in the use of land to use of a different classification.
- E. Any changes in the case of a con-forming use.

No such occupancy, use or change of use, shall take places until Certificate of Occupancy therefore shall have been issued by the Inspector of building.

### **SUB-SECTION 16-2. PROCEDURE FOR NEW OR ALTERED BUILDING.**

Written application for a Certificate of Occupancy for a new building for an existing building which is to be altered shall be made at the came time as an application for the Building Permit for such building. Said Certificate shall be issued within three days after a written request for the same has been made to said Building Inspector or his agent after the erection or alteration of such building or part therefor has been completed in conformity with the provisions of this Ordinance.

### **SUB-SECTION 16-3. PROCEDURE FOR VACANT LAND OR A CHANGE IN USE.**

Written application for a Certificate of occupancy for the use of vacant land, or for a change in the use of land or a building, or for changes in a non-conforming use, as here in provided, shall be made to said building inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefor shall be issued within tree (3) days after.

### **SUB-SECTION 16-4. CONTENTS.**

Every Certificate of Occupancy shall states that the building or the proposed use of a building of land complies with all provisions of law. A record of all Certificates Occupancy shall be kept on files in the office of the building

Inspector or his agent and copies shall be furnished on request to any person having property or tenancy interest in the building or land affected.

**SUB-SECTION 16-5. TEMPORARY CERTIFICATE.**

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective right, duties or obligations of the owners or of the city relying to the use or occupancy of the premises of any other matter covered by this Ordinance.

**SUB- SECTION 16-6 CERTIFICATES FOR NON-CONFORMING USES.**

A Certificate of occupancy shall be required for all lawful non-conforming use uses of land or building created by adoption of this Ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the building Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date Ordinance. it shall the duty of the building Inspector to issue a Certificates of Occupancy for a lawful non-conforming use, but failure to apply for such Certificate Occupancy for a non-conforming use or refusal of the Building Inspector to issue a Certificate of Occupancy for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date or this Ordinance.

## **SECTION 17. AMENDMENTS.**

### **SUB-SECTION 17-1. AUTHORITY.**

The City Council may from time to time amend, supplement or change by Ordinance the boundaries of the districts or the regulation here in established.

### **SUB-SECTION 17-2. SUBMISSION TO PLANNING COMMISSION**

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication one (1) time in a paper of general circulation in the City of Donna, stating the time and place of such hearing, which the time shall not be earlier than fifteen (15) days from the first date of publication.

### **SUB-SECTION 17-3 PUBLIC HEARING**

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one (1) time in a paper of general circulation in the City of Donna, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

### **SUB-SECTION 17-4. IN CASE OF PROTEST.**

Unless such proposed amendment, supplement or change has been approved by the planning Commission or in case of a protest signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed changes, or of those immediately adjacent in the rear thereof extending two hundred (200) feet there from, or of those directly opposite there to extending two hundred (200) feet from the street frontage of such opposite lots, or of those immediately adjacent on either side of the areas of said lots extending two hundred (200) feet there from such change shall not become effective except by the favorable vote of three fourths (3/4) of all the members of the City Council.

### **SUB-SECTION 17- 5. PETITION BY OWNERS.**

When the owner of at least fifty percent (50%) of all the property situated within the area bounded by a line two hundred (200) feet in all direction from the site of any proposed change shall present a petition, duly signed and acknowledged, to the City Council, requesting an amendment, supplement or change of the regulation prescribed for such property, It shall be the duty of the City Council to vote upon the proposal presented by said petition within ninety (90) days after

the filing of same with the City Council, in accordance with the above procedure.

**SUB SECTION 17-6. LIMITATION ON RESUBMISSION OF PETITION.**

No amendment, supplement, change or repeal of any section of this a Ordinance which has been legally rejected by both city Council and planning Commission shall be again considered either by the City Council or Planning Commission on an appeal or.