

NOTICE
THIS NOTICE IS POSTED IN COMPLIANCE WITH THE OPEN MEETING ACT
(TEX. GOV'T CODE CHAPTER 551, SEC. 551.041)

AGENDA
REGULAR PLANNING AND ZONING COMMISSION MEETING
5:30 P.M
GATESVILLE CITY COUNCIL CHAMBERS
110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528
JANUARY 5, 2026

The Planning & Zoning Commission Meeting will be convened immediately after the Building Standard Commission Meeting.

An Open Meeting will be held concerning the following subjects:

1. Call to Order
2. Quorum check
3. Invocation and Pledge of Allegiance

Citizens/Public Comments Forum: Individuals wishing to address the Gatesville Planning & Zoning Commission may do so during this segment. If you intend to comment on a specific agenda item, please indicate the item(s) on the sign-in sheet before the meeting. Each speaker is allotted a maximum of 3 minutes for their remarks, and speakers are expected to conduct themselves in a respectful manner. In accordance with the Texas Open Meetings Act, the City of Gatesville Planning & Zoning Commission cannot deliberate or act on items not listed on the meeting agenda.

REGULAR BUSINESS:

4. Discussion and possible action regarding approval of minutes from the Regular Planning and Zoning Commission Meeting held on **November 3, 2025**.
5. Discussion and possible action regarding a variance request located at 410 Bridge Street.
6. Discussion and possible action regarding a recommendation for Residential Single-Family zoning designation for 209 River Road.
7. Discussion regarding Article I through Article VI of the Zoning Ordinance Amendments.
8. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 30th day of December, 2025 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 803 E. Main Street and Gatesville Council Chambers, 110 N. 8th Street, Gatesville, Texas.

Holly Owens

Holly Owens, T.R.M.C.
City Secretary

The City of Gatesville council chambers are wheelchair accessible and accessible parking spaces are available at the back entrance of City Hall. Requests for accommodation or interpretive services must be made 24 hours prior to this meeting. Please contact the city secretary's office at 254-865-8951 or FAX 254-865-8320, or email howens@gatesvilletx.com for further information.

PLANNING & ZONING COMMISSION MEETING

NOVEMBER 3, 2025

5:30 P.M.

COUNCIL CHAMBERS, 110 NORTH 8TH STREET,

GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

1) Call to order the Regular Planning & Zoning Commission Meeting at 5:31 P.M. this 3rd day of November 2025.

2) Quorum Check:

Commission Present: Chairman Teresa Johnson, Vice Chairman John Westbrook and Commissioners: Loni Jones and Wyllis Ament

City Staff Present: City Secretary Holly Owens and Miguel Gamez.

Others: Melissa and Jaime Martinez

3) Invocation: Board Member Johnson and Pledge of Allegiance: Led by Board Member W Ament

PUBLIC COMMENTS:

There were no public/citizen comments.

4) Discussion and possible action regarding approval of minutes from the Regular Planning and Zoning Commission Meeting held on **June 2, 2025**.

John Westbrook motioned to approve the minutes dated June 2, 2025, seconded by W Ament. The motion passed unanimously, 4-0-0. (C Ament, Williams, and Foster Absent)

5) Discussion and possible action regarding a variance request located on Barnes Street.

Holly Owens presented the case and expressed support for the variance request.

W Ament motioned to recommend approval to City Council for the requested variance to allow for two 7,000 square foot lots and a reduced front setback of 20 feet for the property located on Barnes Street in the Hartwell & Chambers Addn; Block 1, Lot 5. The motion passed unanimously 4-0-0. (C Ament, Williams, and Foster Absent)

6) Adjourn Meeting.

The meeting was **adjourned at 5:39 p.m.**

Teresa Johnson, Chairman



PLANNING & ZONING COMMISSION MEMORANDUM

To: Chairman and Commission

From: Holly Owens

Agenda Item: Discussion and possible action regarding a variance request located at 410 Bridge Street.

Information:

Carlos Gonzalez, with Ultimate Services Group LLC, is the owner of the property located at 408 and 410 Bridge Street. According to the Coryell County Appraisal District (CCAD), the property is officially addressed as 410 Bridge Street; however, separate water accounts currently exist for both 408 and 410 Bridge Street. The property is zoned Residential 2–4 Family. At present, there are two single-family structures located on the property. While the zoning ordinance allows for pyramid zoning, the existence of two single-family dwellings on a single lot—each served by independent water and sewer connections—is considered a legal nonconforming use.

The applicant is requesting to subdivide the property in order to remedy the nonconforming condition. This subdivision will require a variance for minimum lot size. The minimum required lot size for a single-family residence is 8,000 square feet. Following subdivision, one lot will contain approximately 7,720 square feet, and the second lot will contain approximately 6,664 square feet. Setback requirements are not applicable, as the existing structures will remain unchanged.

Two addressing options are proposed:

- **Option 1:** Both lots addressed from Bridge Street.
- **Option 2:** One lot addressed from Bridge Street and the second lot addressed from Pleasant Street.

Either option is acceptable. However, if both lots are addressed from Bridge Street, an access easement must be shown on the minor plat.

Financial Impact:

There is no financial impact.

Staff Recommendation:

Staff recommends approval of the requested variance and forwarding the request to Council. If approval is recommended, this case will be heard by Council on January 13th.

Motion:

Motion to recommend approval to City Council for the requested variance to subdivide the two lots for less than the required 8,000 square foot lots per the zoning ordinance for the property located at 410 Bridge Street; Original Town Gatesville, Block 97, Lot 3 PT.

Attachments:

- Application
- Conceptual division of the property



PLANNING & ZONING COMMISSION MEMORANDUM

To: Chairman and Commission

From: Holly Owens

Agenda Item: Discussion and possible action regarding a recommendation for Residential Single-Family zoning designation for 209 River Road.

Information:

Santiago Gonzales, the owner of the property addressed as 209 River Road annexed his property into the City of Gatesville and is now requesting a zoning designation of Residential Single-Family.

The property is located in the Summer Addition and is approximately 3.46 acres.

Financial Impact:

There is no financial impact.

Staff Recommendation:

Staff supports the zoning request.

Motion:

Motion to recommend the zoning designation of Residential Single-Family for 209 River Road and request Staff to present the recommendation to City Council.

Attachments:

- Zoning Map



Date 01/05/2026

Agenda Item 7

PLANNING & ZONING COMMISSION MEMORANDUM

To: Chairman and Commission

From: Holly Owens

Agenda Item: Discussion regarding the Zoning Ordinance Article I - VI.

Information:

The current zoning ordinance was adopted in 1995. Staff recommends repealing the ordinance in its entirety due to numerous changes in the Texas Local Government Code and the Texas Constitution that are inconsistent with the 1995 ordinance. In addition, the City's Code of Ordinances has been amended repeatedly over the past 30 years, resulting in further conflicts and outdated provisions within the existing zoning regulations.

For review and discussion purposes, staff will present the proposed ordinance in segments.

**CITY OF GATESVILLE, TEXAS
ORDINANCE 2026-__**

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY ADDING CHAPTER 49, "ZONING"; AND REPEALING ORDINANCE 1995-17 IN ITS ENTIRETY; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS,

WHEREAS,

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:

CHAPTER 49 – ZONING REGULATIONS

ARTICLE I. – PURPOSE AND INTENT

SEC. 1-1. – Title

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Gatesville, Texas."

SEC. 1-2. Purpose

The zoning regulations published herein have been prepared for the following purposes:

- a) To promote the health, safety, comfort and general welfare of the citizens of the City of Gatesville by lessening congestion in the streets, providing a higher degree of safety from fire, panic, and other dangers, preventing overcrowding and undue concentration of populations, and to facilitate provision of transportation, schools, parks, and public utilities; and
- b) To promulgate fair and uniform guidelines for accomplishing the above; and
- c) To provide implementing instructions for applying and administering these guidelines.

SEC. 1-3. Compliance with Comprehensive Plan

The comprehensive plan provides guidance for future zoning. Zoning regulations adopted pursuant to the comprehensive plan shall be designed to:

- a) Lessen congestion in the streets.
- b) Secure safety from fire, panic, and other dangers.
- c) Promote health and general welfare.
- d) Provide adequate light and air.
- e) Prevent the undue overcrowding of land.
- f) Avoid undue concentration of population.

- g) Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

Sec. 1-4. Repeal, Severability, and Suppression

1-4.1. Repeal

Ordinance 1995-17 original adoption of the Zoning Ordinance are hereby repealed.

1-4.2. Severability

All other ordinances or parts of ordinances in conflict are hereby repealed to the extent of said conflict.

1-4.3. Supersession

These rules supersede any conflicting Ordinances or regulations of the City.

Sec. 1-6. Declaration of Policy and Review Criteria

1-5.1 Declaration of Policy

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- a) To correct any errors in the regulations or map.
- b) To recognize changed or changing conditions or circumstances in a particular locality.
- c) To recognize changes in technology, the style of living, or manner of conducting business.
- d) To change the property to uses in accordance with the approved Comprehensive Plan.

1-5.2 Review Criteria

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council should consider the following factors:

- a) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- b) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- c) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- d) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- e) Any other factors which will substantially affect the public health, safety, or general welfare.

1-5.3 Compliance with the Comprehensive Plan

If a zoning amendment is inconsistent with the Comprehensive Plan, the burden of proof is on the applicant requesting the zoning amendment to demonstrate that there has been a significant change in condition from the time the Comprehensive Zoning Plan was developed that would merit the amendment. If it has been established that there has been a significant change in condition and the change is deemed to not have a detrimental impact upon the surrounding area, the change in zoning should still be based upon guidelines found in the Comprehensive plan.

SEC. 1-6. Authority to Amend this Ordinance

1-6.1 General

The City Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map.

1-6.1.1 Any amendment to the zoning ordinance text or to zoning district boundaries may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, or may be requested by the owner of real property (or his/her authorized representative).

1-6.2 Application / Formal Submittal

1-6.2.1 Zoning Changes (no exhibit required)

An application for a change of zoning classification by a property owner shall be submitted on forms prepared by the City and shall be accompanied by the following:

- a. An application form signed by the owner(s) of all property within the area of request and notary acknowledgment of all signatures.
- b. On unplatted properties, a boundary survey shall be provided with a metes and bounds description and with all improvements shown. This survey shall be performed by a public surveyor registered in the State of Texas. Platted properties shall provide the lot, block, subdivision and phase description for each lot requesting a change in zoning.
- c. Any documents, such as studies, drawings, exhibits, or other ordinance requirements, in sufficient size and number, as set forth in the most current submittal policies and any reasonable information requested by the Administrative Official to assist the City in its review of the application.
- d. Any application submitted after a submittal deadline will be processed at the next applicable submittal deadline.
- e. An application will not be forwarded to the Planning and Zoning Commission and the City Council or advertised for any required public hearings until it meets the criteria of a formal submittal.

1-6.2.2 Zoning Changes (requiring exhibits)

An application for a change in zoning classification by a property owner shall be accompanied by a concept plan, development plan, or site plan as required by this ordinance or any other ordinances of the City.

1-6.2.3 Text Amendment

An owner, lessee, developer or option holder of real property within the City may file an application for an amendment to the text of this ordinance. The application shall be accompanied by any reasonable information requested by the Administrative Official to assist the City in its review of the application.

1-6.2.4 Application Fee

Every application shall be accompanied by the appropriate submittal fee as established by the City, and under no condition shall said fee or any part thereof be refunded for failure of such amendments to be enacted into law.

1-6.2 Delinquent Debts and Obligations

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts, liens, or obligations to the City and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

1-6.3 Failure to Appear

Failure of the applicant or their authorized representative to appear before the Planning and Zoning Commission, or City Council for more than one hearing without an approved delay by the Code Official shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the Code Official is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

ARTICLE II. - SCOPE

SEC. 2-1. Scope

The provisions of this code shall apply to the construction, addition, alteration, moving, repair, and use of any building, structure, parcel of land or sign within the City, except work located primarily in a public way, public utility towers and poles and public utilities, unless specifically mentioned in this code. This includes but is not limited to:

- a) The height, number of stories, bulk and size of buildings and other structures.
- b) The percentage of a lot that may be occupied.
- c) The size of yards, courts, and other open spaces.
- d) Population density.
- e) The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

2-1.1.

In the case of designated places and areas of historical, cultural, or architectural importance and significance, the City Council may regulate the construction, reconstruction, alteration, or raising of buildings and other structures.

2-1.2.

Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

2-1.3.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the City hereby shall not be enforceable in tort.

ARTICLE III. – ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

SEC. 3.1. Administration and Enforcement

The Administrative Official appointed by the City Manager shall administer and enforce this ordinance. He shall be provided with the assistance of such other persons or consultants as the City Council may direct. If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the landowner or person responsible for the violation indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

SEC. 3.2. Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Administrative Official, such complaint stating fully the causes and basis thereof. The Administrative Official shall properly record such complaint, investigate in a timely manner and take appropriate action thereon as provided by this ordinance. The Administrative Official, or his duly authorized representative, shall have the right to enter upon any premises in the City at reasonable times for the purpose of making inspections of buildings or premises necessary to carry out the enforcement of this ordinance.

SEC. 3-3. Permits and Approvals

3-3.1 General

Departments, officials, and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be considered null and void.

3-3.1.1 Application for Building Permit

All applications for building permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed buildings or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

The copy of the plan shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original plan, similarly marked, shall be retained by the Administrative Official.

3-3.2 Expiration or Cancellation

Each license, permit or approval for which the Planning and Zoning Commission and Building Standards Commission is responsible, the Code Official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions for approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

If actual construction of the work described in any building permit has not begun within six (6) calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Official; and written notice thereof shall be given to the original applicant at the address given in such application. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. If the work described in any building permit has not been completed within two years of the date of issuance or extension thereof, said permit shall expire and be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that

further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

3-3.3 Certificate of Occupancy Required for New, Altered, and Changed Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any premises or any building or structure, or any part thereof which is hereafter erected, reconstructed, altered, enlarged or moved onto any premises until a certificate of occupancy shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance, as well as ordinances relating to the health laws, building codes, electrical and plumbing codes, and other development and health and safety ordinances of the city.

- a. A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during the alteration or partial occupancy of a building pending its completion, provided that such temporary certificate includes such conditions and safeguards as will protect the safety of the occupants and the public.
- b. The Administrative Official shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person.
- c. Failure to obtain a certificate of occupancy shall be a violation of this ordinance.

SEC. 3-4. Fees

3-4.1 Fees

A fee for services shall be charged. Fees shall be set by the City and schedules shall be available at the office of the Code Official and located in Chapter 18 of the Code of Ordinances.

ARTICLE IV. – DEFINITIONS

SEC. 4-1. General Rules

For the purpose of this ordinance certain terms and words are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular. The words "shall" and "will" are used interchangeably throughout the code and are mandatory, and not directory. The word "should" indicates an action that is required unless affirmatively proven unnecessary. The word "may" indicates a suggested, but not required, action. The word "structure", includes the word "building." The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot," "parcel" or "tract" as used in their common meanings. Words not defined herein shall have the common meanings ascribed to them by usage unless other means are clear from their context of use.

4-1.1 Terms defined in other codes

Where terms are not defined in this code and are defined in other codes such as but not limited to all the International Code Council Books, such terms shall have the meanings ascribed to them as in those codes.

4-1.2 Terms not defined

Where terms are not defined through the methods authorized by this section, such terms have ordinarily accepted meanings such as the context implies.

SEC. 4-2. Definitions

Accessory Building or Use - A subordinate building having a customarily incidental use to and located on the property occupied by the main building, or a use customarily incidental to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the Main building or is under an extension of the main roof and designed as an integral part of the main building.

Alley - A minor right-of-way, dedicated to public use more than ten (10) feet, but less than twenty (20) feet in width, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Alteration - Any change, addition or modification in construction, occupancy, or use.

Amusement Center - Any building, room, place or establishment of any nature or kind and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to or five (5) amusement devices operated for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated machines designed exclusively for children and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

Apartment Building – See “Dwelling, Multiple Family” in General Definition.

Apartment, Garage - A dwelling unit designed or constructed as a part of a private garage.

Apartment, Hotel - An apartment house which is furnished for the use of its tenant’s service ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Art Gallery or Museum - An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Atmospheric Pollution - The discharging of stacks, open storage, chimneys, exhaust, vents, ducts, openings, or open fires of such air contaminants as defined by the Texas Air Quality Act.

Automobile and Trailer Sales Area - An area other than a street, used for the display, sale, or rental of new or used automobiles, trucks or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvage parts.

Auto Wrecking - See Wrecking or Auto Salvage Yard.

Background Noise - Noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.

Basement - Any floor of a building which is partly or entirely below ground level.

Billboard (Outdoor Advertising Sign) - Any advertising structure, bearing a sign, which structure is erected upon the ground or on a building, or any sign attached or painted on a building, which sign is neither appurtenant to the use of the property or a product sold thereon, not to the sale or lease of the property on which displayed, and which does not fall within the definition of a Business Identification Sign.

Boarding or Rooming House - A dwelling, other than a hotel, where lodging and/or means for two (2) or more persons are provided for compensation, pursuant to previous arrangements for definite periods, but not to the public or transient.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Code - The International Building Code promulgated by the International Code Council, as adopted by the City.

Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building, Height of - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck-line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Building Line - A line parallel or approximately parallel to the street line or lot line, beyond which buildings may not be erected.

Building Main - A building in which the principal use of the site is conducted.

Building Official - The inspector or administrative official, deputized by the Zoning Official, who is/are charged with the responsibility to enforce the zoning and building codes of the city. Such individuals shall be responsible for the approval of building/construction permits.

Canopy - A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Cargo Container - An all-steel container with strength to withstand shipment, storage, and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

Carport - A structure open on a minimum of two (2) sides designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four (24') feet on its longest dimension. Also called "covered parking area."

Car Wash - A building designed to be used for cleaning vehicles, either automatic or manual. May be installed at other vehicle type service establishments such as service stations or oil change facility as an accessory use as long as the Industrial Waste Ordinance is complied with.

Certificate of Occupancy - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Charity/Philanthropy - Non-religious, non-profit institutions of charitable or philanthropic nature.

Clinic - A building in which a group of physicians, dentists, and allied professional assistants are associated with treating and diagnosing ill or injured out-patients. A clinic may include a dental or medical laboratory or a dispensing apothecary.

Club or Lodge - 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.

Code Compliance Official - The person(s) deputized by the Code Official, who is/are charged with the responsibility to enforce the ordinances of city through the use of fines, liens, and other such enforcement measures that the City finds appropriate.

Commission - an official group or board created by a government or organization to perform a specific function, study an issue, or make decisions.

- a) Planning and Zoning Commission
- b) Building Standards Commission

Common Area - Private property owned in common by, and designated for the private use of, the owners or occupants of townhouses in a particular project or subdivision. Common area uses include, but are not limited to, recreation areas, parks and plazas, ornamental areas open to the general view within the project or subdivision, and building setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.

Community Center - A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home - A community based residential home operated by either State, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally handicapped. A home that provides care for persons who have mental and/or physical impairments which substantially limit one or more major life activities.

Comprehensive Plan - as authorized by *Texas Local Government Code Chapter 213*, is a document composed of coordinated, long-range policies intended to guide the physical development of a municipality and its extraterritorial jurisdiction. The plan may include, but is not limited to, provisions on land use, transportation, public facilities, and other elements necessary to promote sound planning and orderly growth. Under Texas law, the comprehensive plan serves as a policy guide for future development and the adoption of zoning regulations “in accordance with” the plan, thereby supporting the public health, safety, and general welfare of the community.

Conditional Use - A privileged use or development of property which would not be appropriate generally or without restrictions, but which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions provided that the development would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the community as a whole.

Condominium - The same as an apartment except that the tenant has the option of obtaining title of ownership of the dwelling space and physical interior of the dwelling space. The building's owner retains title to the building frame, the building physical exterior, and all physical service facilities and ways of the building which are not part of the physical interior described above, and the land on which the building is located. Restrictive covenants ensure that the functional and environmental conditions of the interior of each dwelling unit are maintained to the extent that the value of all the other dwelling units in the same building is protected.

Convalescent Home - Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

Council - The City Council of the City of Gatesville, (Governing Body)

Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

Coverage - The percentage of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of one (1) foot from the walls of a building shall be excluded from coverage computations.

Customarily Incidental Use - A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Day Care Center - An agency at which four or more children, under age sixteen and not related to the proprietor, are left for care a part of the twenty-four hours of the day.

Density - The number of dwellings units that are allowed on an area of land not to include dedicated streets contained within the development.

Development Controls - All or any part of those regulations that establish minimum yards, setbacks, or open space; limit height, or location of buildings or other structures; or regulate the placement or operation of facilities or equipment.

District - A Zoning District; a section of the City for which the requirements governing the area, height, and use of buildings and land are uniform.

Drive-In Restaurant - Any eating establishment which either serves food to occupants of parked automobiles or offers facilities that would encourage patrons to eat in parked vehicles.

Driveway - A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Dumpster Enclosure - An outdoor structure that encloses a dumpster and provides organized and secure access for employees to safely dispose of their trash. It hides your dumpster from public view and ensures your property remains clean and aesthetically pleasing.

Duplex – A building containing two and only two dwelling units with an attached roof.

Dwelling, Attached Single-Family - An attached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family. See “Townhouse” in Use Definitions.

Dwelling Detached - A building containing a dwelling unit and not connected to any other building containing a dwelling unit.

Dwelling, Doublewide Mobile Home - A building completely assembled in two sections at the factory and designed to be transported and joined together at the building site, on a permanent foundation, with all utility connections that are available. Designed, built, and installed in accordance with all federal, state, and local laws, regulations, and ordinances.

Dwelling, Mobile Home – also known as a house trailer, park home trailer, or trailer home which is a prefabricated structure, built in a factory on a permanently attached chassis before being transported to site.

Dwelling, Modular Home - A building prefabricated at the factory and designed to be transported in room size sections, with all plumbing and electrical installed so that sections can be joined together at the building site to form a finished product and placed on a permanent foundation.

Dwelling, Multiple Family - A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwellings units may be owned as condominiums or offered for rent.

Dwelling, Two Family - A structure designed or arranged with two attached dwelling units to be occupied by two families living independently. Also known as a “duplex”

Dwelling Unit - Any building or portion thereof designed or providing complete, independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation.

Easement - That portion of land or property reserved for present or future use by a person or agency other than the legal owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

E-cigarettes/Vape Shop – a retail store that sells electronic cigarettes (e-cigarettes), also called vapes, and related products such as e-liquids, devices, batteries, and accessories.

Face of Building, Primary - The wall of a building fronting a street right-of-way, excluding and appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

Family - One or more persons who are related by blood or marriage, living together, and occupying a single dwelling unit, or a group of not more than 5 persons living together by joint agreement and occupying a single dwelling unit.

Family Home - A home that provides care for persons who have mental and/or physical impairments which substantially limit one or more major life activities.

Flood Plain - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM (Flood Insurance Rate Map).

Floor Area, Gross - The sum of the horizontal areas of floors of a building measures from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls, this includes areas covered by a roof such as courts, decks, or porches.

Floor Area, Net - The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

Floor Area, Ratio (FAR) - The ratio between the total square feet of floor area in a structure and the total square feet of land within the lot or tract on which the structure is located.

Franchised Private Utility - A private utility requiring a franchise to operate in the City.

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

Garage, Private - An accessory building for private storage of motor vehicles.

Garage, Public - A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Grade - (Adjacent Ground Elevation). The lowest point of elevation of the existing surfaces of the ground, within the area between the building and a line 5 feet from the building.

Green House - A building or portion thereof designed or used for the sale of plant material, and the incidental sale of material and products intended chiefly for use with home gardening activities.

Gym – Private Owned - A building designated to be used for athletic body conditioning or specialized training for athletic, self-defense or similar type events. Either associated with a private club or open to the public.

Habitable Space (Room) - Space in a dwelling unit for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, garages, and similar areas are not considered habitable space.

Hemp Shop – retail store that legally sells products derived from the hemp plant, which are legally distinct from products containing high levels of THC from marijuana.

Home Occupation - Any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on wholly within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining properties to the neighborhood as a whole. Customary home occupations shall not include barber shops, beauty shops, carpenters, electricians, or plumbers' shops, radio shops, tin-painting, furniture repairing, sign painting, or any form of merchandising activity.

Hotel - A building in which lodging or boarding is 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 contrast to a boardinghouse, a lodging-house, or an apartment.

Infrastructure - For the purpose of these regulations, infrastructure shall refer to the basic installations and facilities on which the continuance and growth of the community depends such as streets, roads, transportation systems, communications systems and basic utilities such as water, sewer, gas and power.

Interpretation - A determination of the meaning of zoning controls or their application, or a determination of the location of zoning district boundaries, expressed as a Planning and Zoning ruling which becomes a permanent guide in the enforcement of the Zoning Ordinance.

Landscaping - The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted to include the use of ornamental logs, rocks, fountains, water features and contouring of the earth.

Kennel - Any lot or premises on which four or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, trimming, grooming, or bathing for which remunerations are received.

Kitchen - Any habitable space (room) or portion thereof within a building designed and intended to be used for the cooking or preparation of food.

Loading Space - A space within the main building or on the same lot there-with, providing for the standing, loading or unloading of vehicles.

Lot - A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot Coverage - The percentage of the total area of the lot, excluding streets, alleys and dedicated drainage ways, covered by all buildings located thereon.

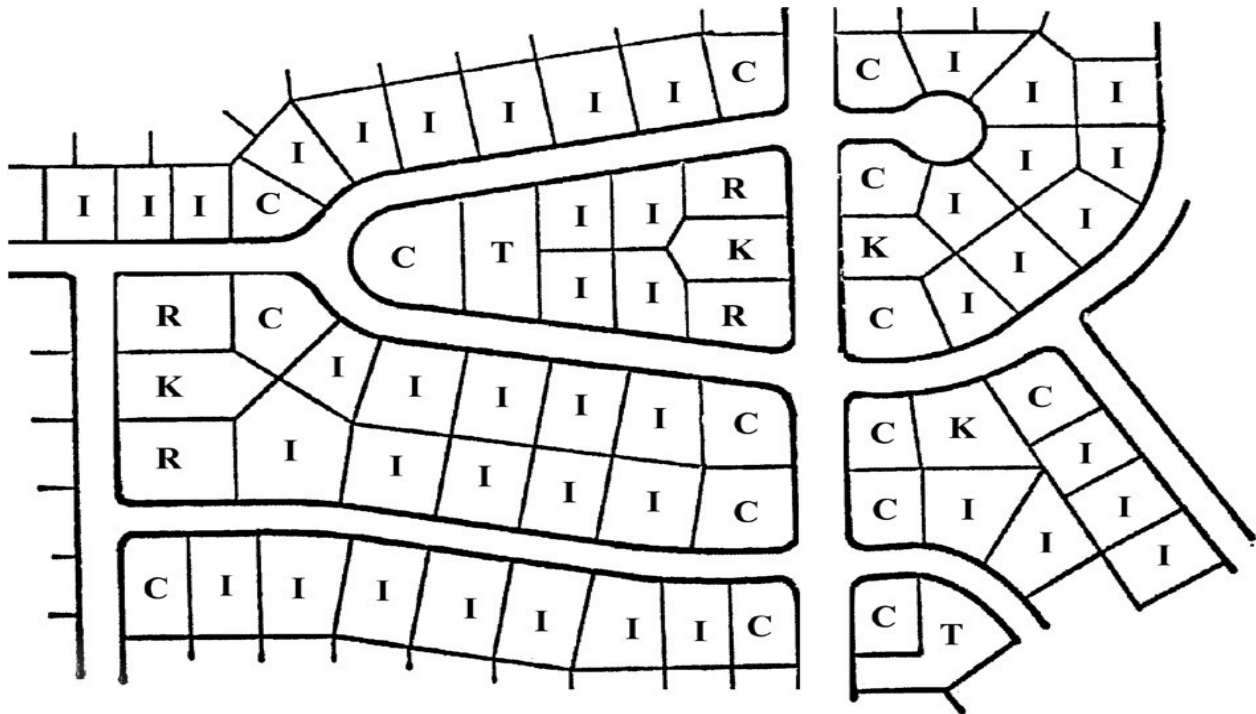
Lot Depth - The mean distance of a lot between the front and rear property lines.

Lot Frontage - The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - The designation of lots according to the diagram in Figure 1 illustrating corner lots, interior lots, reversed frontage lots and through lots.

Figure 1



C – Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

I – Interior Lot - A lot other than a corner lot having only one frontage on a street.

K – Key Lot - An interior lot so situated that it fronts onto the side street of an adjoining corner lot and so that the sideline of the key lot is the rear line of the corner lot which abuts the same street.

R – Reverse Frontage Lot - A corner lot in which its frontage is on a street whose alignment is generally parallel to the side lines of the lots that constitute the predominant lot pattern in the block.

T – Through Lot - An interior lot with frontage on more than one street; a through lot fronting on two generally parallel streets may be referred to as a “double frontage” lot.

Lot Width - The mean distance of a lot between the side property lines.

Manufactured Home – is a type of factory-built housing constructed after June 15, 1976, under HUD’s updated standards and commonly known as a mobile home. It is largely assembled in factories on a permanently attached chassis before being transported to site.

Manufactured Home Space - A plot of ground within a manufactured home park designed for the leasing and accommodation of one manufactured home.

Mini-Warehouse - A building with individual units not to exceed 576 square feet per unit, for rent to the general public for storage of personal possessions.

Mobile Home – (also known as a house trailer, park home, trailer, or trailer home) is a prefabricated structure, built in a factory on a permanently attached chassis before being transported to site.

Mobile Home Park - Any plot of ground which two or more MOBILE homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Mobile Home Space - A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Modular Building - Manufactured, room size, structures completely wired, plumbed, and finished at the factory designed to be moved to a permanent location and fitted together to become a complete unit on a permanent foundation.

Non-Conforming Lot - A parcel, site or tract of land which does not meet the minimum lot requirements as described by the bulk regulations for the district in which it is located, which lot was legally created prior to the effective date of the applicable zoning ordinance.

Non-Conforming Structure - A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations for the district in which it is located.

Off-Street Parking - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use and located within the same zoning district as the main use or in an adjacent parking district.

Open Space - Land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

Parking Lot - An open area, other than a street, used for the parking of automobiles.

Parking Space, Automobile - A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

Parking Space, Off-Street - An area adequate for parking an automobile with room for opening doors on both sides, together with maneuvering room and with properly related access to a public street or alley.

Person - An individual, heirs, executors, administrators or assigns, and includes a firm, partnership, or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

Planned Development (PD) - A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived, or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Plot Plan - A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Portable Building - Any prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.

Portable Building Sales - An establishment which displays and sells structures capable of being carried and transported to another location but not including mobile homes.

Private Club or Lodge - An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

Public Improvement - Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

Public View - Public view means areas that can be seen from the closest public street.

Quasi-Public - Essentially public use, although under private ownership or control.

Recreation Area - An area devoted to facilities and equipment for recreational purposes including but not limited to swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Recreational Vehicle (RV) - A portable or mobile vehicular type unit primarily used as temporary living quarters for the purposes of recreational camping or travel-use that has either its own motive power or is mounted on or towed by another vehicle. Examples include but are not limited to travel trailers, camping trailers, truck campers, and motor homes. Herein referred to as a "RV."

Renovation - Interior or exterior remodeling of a structure, other than ordinary repair.

Residential Structure - Any structure containing one or more dwelling units and their accessories.

Riding Track - A track specifically for pleasure riding horses or mules, private or for hire, but expressly not meant for commercial racing of these animals.

Right-of-Way (ROW) - Any street, alley or other parcel of land open to the outside air, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and has a clear width and height of not less than 10 feet (3,048 mm).

Roof Overhangs - Portion of a roof structure that extends beyond the exterior wall of a building. It provides protection from the elements by directing rainwater away from the walls and foundation, offers shade to windows and doors, and can contribute to the building's aesthetic design. Roof overhangs include eaves, rakes, and soffits as applicable.

Sale - The word sale, as used herein, shall mean sales at both wholesale and retail unless specifically stated otherwise.

Screening Device - A structure such as a fence or wall not less than six (6) feet high or greater than eight (8) feet high which serves as a visual screen, including semi-solid structures such as netting, lattice, etc. A structure in excess of eight (8) feet in height shall be deemed a wall and shall be subject to the provisions of the Building Code of the City.

Servant 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.

Service Station (Oil Change-Lubrication Facility) - A business establishment whose service includes but not limited to, dispensing fuel for automobiles and trucks, lubrication, oil changing, washing, convenience food sales, minor repairs, and tire service.

Setback - The minimum required distance between the property line and the building line.

Shipping Container - An all-steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

Short-Term Rental (STR) - A property rented out or for a period of 30 days or less, often used for vacation or short-term stays, as opposed to long-term leases.

Sign - Any display of letters, figures, symbols, insights, pictures, lights, or other devices when placed within or on the outside of any building or structure or in a free-standing situation so as to be visible from any public street or adjacent property.

Sign Business Identification - Any display of letters, figures, symbols, insights, pictures, lights, or other devices when placed within or on the outside of any building or structure or in a free-standing situation so as to be visible from any public street or adjacent property.

Sign Directional - Any sign, except those authorized by law, which is designed and erected solely for the purpose of vehicular or pedestrian traffic control and placed on the property to which or on which the public is directed.

Sign Subdivision Identification - A permanent sign identifying a subdivision by name or symbol only and erected on private property at an entrance to a subdivision at location shown on a recorded subdivision plat and of a design approved by the Commission.

Site Plan - A plan that outlines the use and development of any tract of land.

Small Animal Clinic - An establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed, soundproof and air-conditioned structure and not using any yard or open space for the activities defined.

Smoke Shop – a store selling tobacco products, paraphernalia, vaping products, hemp products, and smoking equipment.

Special Exceptions - A privileged use or development of property which would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, size, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the community. See Variance.

Stable Private - A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable Riding - A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding or for hire, including a riding track.

Storage Building – structure or part of a building used primarily for the storage or shelter of goods, merchandise, personal belongings, equipment, or materials. These structures are not designed for permanent or temporary residence.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered to be a story.

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 feet (4') 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.

Street - Any public or private thoroughfare not less than 20 feet (6,096 mm) in width which affords the principal means of access to abutting property.

Street Line - A dividing line between a lot, a tract or parcel of land and a contiguous street.

Street, Private - A right-of-way or easement in private ownership, not dedicated or maintained as a public street, that affords the principal means of access to two or more sites.

Structure - Anything constructed or erected, which requires location on or within the ground, or attached to something having a location on or within the ground.

Structural Alterations - Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Subdivision - The division of a tract, lot, or parcel of land into two or more lots, plats, sites, or other divisions of land.

Theater or Theaters - As used herein, shall include all forms, types and kinds of entertainment and recreation, as set forth herein, without regard to whether same be referred to as, or called by name, "theater", "theatrical", "club", "night club", "show", "exhibition", "performance," "production," "entertainment", "recreation," or by some other name of designation, as it is the legislative purpose and intent of the City Council of the City of Gatesville, Texas to look to the substance rather than the form or name, of the activity, or activities to be carried out in the future, by the applicant or applicants, seeking the change in zoning, in connection with a request seeking such a zoning change, and in the City Council's consideration of and for such zoning change request, and in the City Council's approval or denial of such zoning change, as the case may be.

Travel Trailer - A vehicular, portable structure built on a chassis designed to be used as a temporary living facility for travel and recreational purposes, having a body width not exceeding eight feet, but not having all sanitary facilities within the trailer. See recreational vehicles.

Used Car Lot - A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles or the storage of automobile parts.

Use - The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, Change Of - The change within the classified use of a structure or premise.

Use, Non-Conforming - A use of land or structure which is not authorized in the district in which such use or activity is conducted, which use was legally existing or in operation under other laws of the State or codes of the City of Gatesville prior to the effective date of the applicable zoning regulations.

Use, Principal - A use that fulfills a primary function of a household, establishment, institution, lot, parcel, or other entity.

Use, Temporary - A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, carnivals, flea markets, farmers markets, and garage sales.

Utility Meter - Any metering device used for measuring usage of a utility. Hereafter referred to a "Meter."

Variance - A privileged relaxation of the Development Controls provisions of this Ordinance where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship and would prevent the substantial enjoyment of property rights as shared by nearby properties which conform to the Development Controls.

Veterinary Hospital - An establishment for the care and medical treatment of large animals and domestic household pets having treatment and boarding facilities both in an enclosed building and outside pens or runs enclosed by permanent type of fencing.

Warehouse - A building used for storage purposes generally by commercial or industrial businesses for storage of their business-related merchandise, equipment or fixtures.

Wrecking or Auto Salvage Yard - A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units or salvaged parts or as processed metal.

Yard - An open space at grade between a building and the adjoining lot lines, unoccupied and 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 depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Exterior - Exterior yard shall be that part of the lot between the lot line and the building line. For exterior lots, the exterior yard will correspond to the front yard. On corner lots, the exterior yard shall consist of both the front and side yards. A full depth exterior yard shall be constructed as the side yard of a corner lot extending the full depth of the lot front to back. Exterior yards of through lots shall consist of the yards between the lot lines and setback lines at both ends of the lot.

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.

Yard, Rear - A yard extending across full width of 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. On all lots the rear yard shall be in the rear of the front yard.

Yard, Side - A yard between the main building and the sideline 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 building.

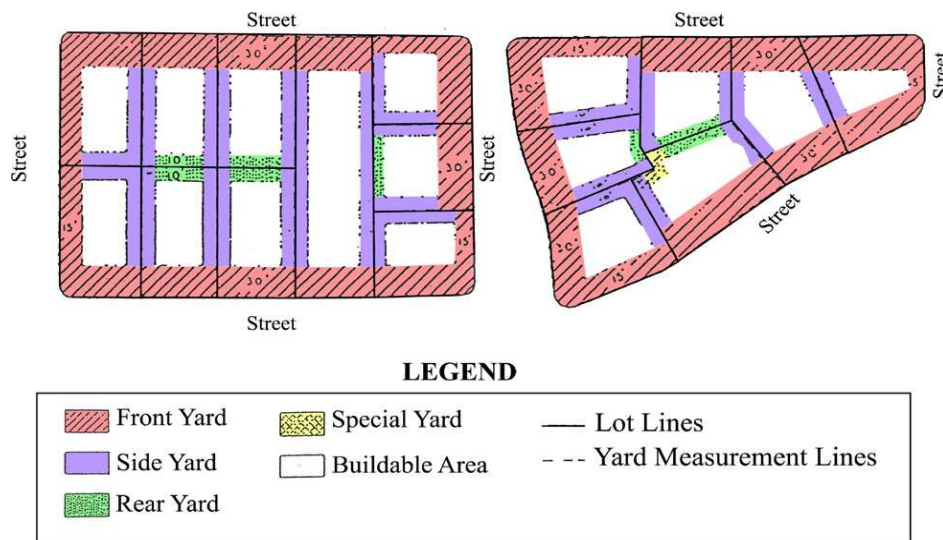
Yard, Special - A yard behind any required yard adjacent to a public street, required to perform the same function as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly apply.

Zero Lot-Line - A side lot line of a lot on which a structure is permitted to be located all the way to the edge of the lot; that is the side yard width is zero. May or may not be common wall construction.

Zoning Official - The Zoning Official shall be the City Manager or their designee. This person shall be duly designated to administer and enforce the provisions of this ordinance.

Zoning District Map - The official certified map upon which the boundaries of the various Zoning Districts are drawn, and which is an integral part of the Zoning Ordinance.

Figure II



ARTICLE V. – ESTABLISHMENT OF DISTRICTS; PROVISIONS FOR OFFICIAL ZONING MAP, ZONING CHANGES AND ANNEXATIONS

SEC. 5-1 – Official Zoning Map

The district aforesaid, and the boundaries of such districts, shall be as shown upon a map made a part of

this ordinance, said map being designated "Official Zoning Map," said map and all notations, references, and other information shown thereon shall be a part of this ordinance the same as if all such matters and information were fully described herein. The original of said map shall bear even date with the passing of this ordinance; shall be signed by the Mayor and attested by the City Secretary and promptly displayed in the City Hall.

SEC. 5-2 – Determination of Boundaries

In determining the location of zoning district boundaries on the map accompanying and made a part of this ordinance, the following rules shall apply:

- a. Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys, as they exist at the time of adoption of this ordinance, shall be the zoning boundary; or
- b. Where boundaries are shown to enter on cross blocks, property lines of lots, as they exist at the time of adoption of this ordinance, shall be the zoning boundary; or
- c. Where boundaries are shown on un-subdivided property, the location shall be determined by scale shown on the map unless dimension is given on the map.

SEC. 5-3 – Annexation

All annexation information can be found in Texas Local Government Code §43.0671 et seq., Subchapter C-3 and in the City of Gatesville adopted ordinances, Ordinance 2024-04.

5-3.1

To initiate a voluntary annexation, property owners must submit a petition that includes:

- a. A signed annexation application.
- b. A survey sketch of the property prepared by a Registered Land Surveyor or Professional Engineer.
- c. Meets and bounds describing the property.

5-3.2

The City will provide a Municipal Services Agreement outlining the services that will be available to the property upon annexation or when such services become available.

5-3.3

All territory hereafter annexed into the City of Gatesville shall be temporarily classified as AG Suburban unless a permanent zoning classification is placed upon the property at the time of annexation. In the event any zoning other than AG Suburban is requested at the time of annexation, all requirements of Sec. 1-6 of this ordinance shall be complied with, including all public notices and public hearings as required by this ordinance or by state law. The zoning shall be based on existing zoning districts upon the following criteria:

- a. Its current land use at the time of annexation.
- b. The existing land use of the property surrounding the territory.
- c. Its future land use as designated by the comprehensive plan.

SEC. 5-4. Districts

For the purpose of regulating and restricting the heights and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence

or other purposes, the City of Gatesville, Texas, is hereby divided into districts of which there shall be eleven classes in number and which shall be known as:

AG	Ag Suburban Homesite
BC	Business Commercial
CF	Community Facility
I	Industrial
MHP	Mobile Home Park
RSF	Residential Single-Family
RT	Residential Townhomes
R2-4	Residential Duplex/Tri-plex/Four-plex
RMF	Residential Multi-family
RMH	Residential Mobile Home
PD	Planned Development

ARTICLE VI. – LEGAL NON-CONFORMING USES

Sec. 6-1. – Existing Structures and Uses

6-1.1 General

Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided that such continued use does not constitute a life hazard, public health concern, public nuisance, or environmental hazard.

6-1.2 Additions, Alterations, or Repairs

Additions, alterations, or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided that the addition, alteration or repair conforms to that required for a new building or use.

6-1.3 Maintenance

Buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or owner's authorized agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the Building Official shall be permitted to cause any structure or use to be inspected.

6-1.4 Moved and Temporary Buildings, Structures, and Uses

Buildings or structures moved into or within the City shall comply with the provisions of this code for new buildings and structures.

6-1.4.1 Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the

public shall be permitted to be erected, provided that a special approval is received from the Zoning Code Official for a limited period of time.

6-1.4.2 Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

6-1.5 Illegal Uses

Uses that were Illegally established prior to the adoption of this code shall remain illegal.

Sec. 6-2. – Non-Conforming Uses and Structures

6-2.1 Continuance

The lawful use of land existing on the date of this ordinance, although such use does not conform to the provisions of this ordinance, may be continued, but if such nonconforming use is discontinued for a period of six months or more, any future use of such premises shall be in conformity with the provisions of this ordinance. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

6-2.1.1 The lawful use of any building or structure existing on the date of adoption of this ordinance may be continued even though such use does not conform to the provisions of this ordinance, and such use may be extended throughout the building or structure, provided no structural alterations, except those required by law or ordinances, are made therein.

6-2.1.2 Whenever nonconforming use is discontinued for six months or more, all nonconforming use rights shall cease, and the use of the premises shall be in conformance with this ordinance. The term “discontinue” shall mean that the property or structure is vacant and no attempt to market the property is observable on the property or from the exterior of any structure, or that the property or structure is vacant, and City taxes owed on the property are delinquent.

6-2.1.3 Nothing contained in this ordinance shall require any change in the plans, construction or designated use of a building or structure actually under construction, and for which a building permit was issued, on or before the date of adoption of this ordinance, and which entire building or structure is completed within one year from that date. If any amendment to this ordinance is hereafter adopted changing the boundaries or districts, the provisions of this ordinance with regard to buildings or uses legally existing, or to building legally under construction or building permits legally issued in the area affected by such amendments at the time of the passage of such amendments, shall not cause such use to be terminated or to bar the occupancy of such building unless provided by other proceedings at law.

Sec. 6-3 – Discontinuance

6-3.1 Vacancy

- 6-3.1.1 Any structure, or portion thereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 6 months shall not there be occupied, except by a use that conforms to this code.
- 6-3.1.2 Abandonment of a nonconforming structure shall be determined by relevant evidence of nonuse of the structure, including, but not limited to, termination or nonuse of utilities, termination of leasehold, and evidence of lack of occupancy of the structure.
- 6-3.1.3 The Code Official may determine that a structure which has been abandoned under the intent of this section may continue to exist if the owner can show unusual circumstances which prevented or precluded use of the structure during that period, in which case the structure may be reoccupied.

6-3.2 Damage

- 6-3.2.1 If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by less than 50 percent of the current replacement cost of the structure the structure, as determined by the Code Official, may be restored to its preexisting nonconforming state. Such restored structures shall meet all other applicable City codes, and nothing herein shall be construed as constituting a waiver of requirements other than those governed by the zoning ordinance.
- 6-3.2.2 If plans to restore or repair the structure are not submitted for issuance of a building permit within 12 months from the date of the destruction or damage, the structure must be replaced or restored in full conformity with current structural regulations for the district in which it is located. The Code Official may grant, upon written application by the property owner showing cause, a one-time extension to seek a building permit for a period not to exceed six months.
- 6-3.2.3 If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by 50 percent or more of the current replacement cost of the structure, the structure must be restored in full conformity with current structural regulations for the district in which it is located.

Sec. 6-4 – Enlargement and Modifications

6-4.1 Maintenance and Repair

Maintenance, repairs, and structure alterations shall be permitted to be made to nonconforming structures or to a structure housing a nonconforming use with valid permits.

6-4.1.1

On any nonconforming structure or portion of a nonconforming structure, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic volume existing when it became nonconforming shall not be increased.

6-4.1.2

A property owner may apply to the Code Official for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.

6-4.2 Changes of nonconforming use

A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use.

6-4.2.1

Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

6-4.2.2

A nonconforming use or a lawful use that has become nonconforming by the future adoption or amendment of a zoning ordinance, or a nonconforming use that exists by virtue of annexation to the City, shall be permitted to exist, subject to the following:

- a. Additions to nonconforming structures and parking areas shall conform to the requirements of this code.
- b. Additions to structures housing nonconforming uses that increase the area of nonconforming use shall not be made.
- c. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this ordinance.

6-4.3 Relocation of structure

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

6-4.4 Enlargement or Extension of Nonconforming Structures

A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended. A nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all the provisions of this ordinance established for structures in the district in which the nonconforming structure is located.

SEC. 6-5. Violations

6-5.1 Unlawful Acts

It shall be considered unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. Where any building or parcel of land regulated by this code is being used contrary to this code, the Code Official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Code Official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.

4-5.1.1

The City Council may adopt ordinances to enforce this code, or any ordinance or regulation adopted under this code.

6-5.1.2

A person commits an offense if the person violates this code, or an ordinance or regulation adopted under this code. An offense under this section is a misdemeanor, punishable by fine, imprisonment, or both, as provided by the City Council. The City Council may also provide civil penalties for a violation.

6-5.1.3

If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of this code or an ordinance or regulation adopted under this code, the City Council, in addition to other remedies, may institute appropriate action to:

- a. prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
- b. restrain, correct, or abate the violation.
- c. prevent the occupancy of the building, structure, or land; or
- d. prevent any illegal act, conduct, business, or use on or about the premises.

SEC. 6-6. Conflicts with other laws

6-6.1 General

If a zoning regulation adopted under this code requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under this code controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

6-6.2

This section does not authorize the City Council to require the removal or destruction of property that exists at the time the City Council implements this section and that is actually and necessarily used in public service.

6-6.2.1

This section does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

6-6.2.2

This section applies to a privately-owned building or other structure and privately-owned land when leased to a state agency.

6-6.3

A zoning regulation adopted after the approval of a residential subdivision plat does not apply to that subdivision until the second anniversary of the later of:

- a. the date the plat was approved; or
- b. the date the City accepts the subdivision improvements offered for public dedication.

6-6.3.1

This section does not prevent a City from adopting or enforcing applicable building codes or prohibiting the use of building materials that have been proven to be inherently dangerous.