# PLANNING BOARD

Wednesday, September 23, 2026 at 6:00 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

## PUBLIC NOTICE OF MEETING

## AGENDA

*Planning Board will consider/discuss the following items and take any action deemed necessary.*

**MEETING PROCEDURE**

Public notice is hereby given that the Planning Board of the City of Port Lavaca, Texas, will hold a regular meeting Wednesday, September 23, 2026 beginning at 6:00 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

[After publication, any information in the Planning Board packet is subject to change during the meeting]

*Join Zoom Meeting*
*https://us02web.zoom.us/j/84842343464?pwd=iMFAImuwEn3oWSrglarD3bFwmJVGWh.1*

*Meeting ID: 848 4234 3464*
*Passcode: 732467*

*One tap mobile*
*+13462487799,,84842343464#,,,,*732467# US (Houston)*

*Join by SIP*
*• 84842343464@zoomcrc.com*

*Join instructions*
*https://us02web.zoom.us/meetings/84842343464/invitations?signature=QjOL3VGc9nPDzZhIxk6-T7a9kbC5jEUA503Uv7JNraA*

**ROLL CALL**

**CALL TO ORDER**

**COMMENTS FROM THE PUBLIC**

** (Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

**ACTION ITEMS** - *Board will consider/discuss the following items and take any action deemed necessary*

1. **Approval of Wednesday, August 26, 2026, Regular Meeting Minutes**
2. **Consider a request for the development of storage facilities and a variance to the required toilet facilities on property described as A0035 MAXIMO SANCHEZ, TRACT PT 27, ACRES 7.33, & ABST 12 A.ESPARZA, TR PT 12. Property ID# 37976**
3. **Discuss proposed Zoning Ordinance and Zoning Map**

**REQUEST FROM BOARD**

**ADJOURN**

**CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a regular meeting of The Planning Board of The City of Port Lavaca, scheduled for **Wednesday, September 23, 2026** beginning at 6:00 p.m., was posted at city hall, easily accessible to the public, as of 5:00 p.m.**, Thursday, September 17, 2026.**

_____

**Derrick Smith**, *Director of Development Services*

## ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

# COMMUNICATION

**SUBJECT: Approval of Wednesday, August 26, 2026, Regular Meeting Minutes**

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## INFORMATION:

# PLANNING BOARD

Wednesday, August 26, 2026 at 6:00 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

## MINUTES

STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

### MEETING PROCEDURE

Public notice is hereby given that the Planning Board of the City of Port Lavaca, Texas, will hold a regular meeting Wednesday, August 26, 2026 beginning at 6:00 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

**ROLL CALL**

PRESENT

| | |
|---|---|
| Justin Weaver | Chairman |
| Gary Crone | Board Member |
| Cynthia Escalera | Board Member |
| Lindy Cain | Board Member |
| Betty Birdwell | Board Member |
| Steve Butler | Board Member |

ABSENT

| | |
|---|---|
| Sheryl Cuellar | Board Member |

**CALL TO ORDER**

- Chairman Justin Weaver called the meeting to order at 6:00 p.m. and presided

**COMMENTS FROM THE PUBLIC**

** (Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

- None

**ACTION ITEMS** - *Board will consider/discuss the following items and take any action deemed necessary*

**1. Approval of Wednesday, July 22, 2026, Regular Meeting Minutes**

Motion made by Board Member C. Escalera

NOW THEREFORE, LET IT BE RESOLVED BY THE PLANNING BOARD OF THE CITY OF PORT LAVACA, TEXAS:

THAT, the July 22, 2026, Regular Planning Board Minutes are hereby approved

Seconded by Board Member G. Grone

Voting Aye: Chairman Justin Weaver, Board Member Cynthia Escalera, Board Member Gary Crone, Board Member Steve Butler, Board Member Betty Birdwell, Board Member Lindy Cain
Voting Nays: None

**2. Approval of a conceptual commercial development project on property described as Port Lavaca Original Townsite, Block 41, Lots 7, 8, and 9, (120 S. San Antonio Street.).**

Motion made by Board Member L. Cain

THAT, in accordance with recommendation of staff, the Planning Board hereby approves the conceptual plan Commercial Development Project on property described as Port Lavaca Original Townsite, Block 41, Lots 7, 8, and 9, (120 S. San Antonio Street.).

*Final approval will be subject to compliance with all applicable requirements, including Engineering, parking, setbacks, and water and sewer connections.*

Seconded by Board Member C. Escalera

Voting Aye: Chairman Justin Weaver, Board Member Cynthia Escalera, Board Member Gary Crone, Board Member Steve Butler, Board Member Betty Birdwell, Board Member Lindy Cain
Voting Nays: None

**3. To consider a request Variance to Ordinance Chapter 26- Manufactured Housing and Recreational Vehicles for a manufactured home to be placed on a residential lot that is not in a manufactured housing park. The property is described as Port Lavaca Original Townsite, Block 20, Lot 4,5,6 (503 S. Colorado St.).**

Motion made by Board Member

THAT in accordance with the recommendation of staff, the Planning Board hereby makes recommendation to deny the variance request for a manufactured home to be placed on The

property is described as Port Lavaca Original Townsite, Block 20, Lot 4,5,6 (503 S. Colorado St.).

*The property owner was advised that placement of a manufactured home on the property is not permitted under the City's current ordinance, which limits manufactured homes to designated manufactured home parks. The Board also discussed concerns associated with the placement of an additional dwelling on the property, including the existing structure, life-safety requirements, utility requirements, and the more stringent requirements that may apply to the proposed use. The property owner was advised that a modular home or qualifying tiny home may be considered, subject to applicable building, utility, and other City requirements.*

Seconded by Board Member G. Crone

Voting Aye: Chairman Justin Weaver, Board Member Cynthia Escalera, Board Member Gary Crone, Board Member Betty Birdwell, Board Member Lindy Cain
Voting Nays: Board Member Steve Butler

**4. To consider a request Variance to Ordinance Chapter 26- Manufactured Housing and Recreational Vehicles for a manufactured home to be placed on a residential lot that is not in a manufactured housing park. The property is described as Bonorden (Port Lavaca), Block 6, Lot 3, Acres .2296 (1304 Tilley St.).**

Motion made by Board Member B. Birdwell

THAT in accordance with the recommendation of staff, the Planning Board hereby makes recommendation to deny the variance request for a manufactured home to be placed on the property is described as Bonorden (Port Lavaca), Block 6, Lot 3, Acres .2296 (1304 Tilley St.).

*The Board discussed the differences between manufactured homes and site-built or modular structures, including the applicable construction standards and inspection requirements. The Board noted that manufactured homes are constructed and certified under federal HUD standards, while structures placed on private property within the City may also be subject to additional local building, life-safety, utility, and site requirements. The Board expressed concerns regarding the additional requirements and potential complications associated with placing a manufactured home on private property outside of a designated manufactured home park. The owner was advised that manufactured homes are restricted to designated manufactured home parks under the City's current ordinance.*

Seconded by Board Member L.Cain

Voting Aye: Chairman Justin Weaver, Board Member Cynthia Escalera, Board Member Gary Crone, Board Member Betty Birdwell, Board Member Lindy Cain
Voting Nays: Board Member Steve Butler

**REQUEST FROM THE BOARD**

- None

**ADJOURN**

Chairman Justin Weaver made a motion to adjourn the meeting at 6:43 p.m.

Motion was seconded by Board Member Gary Crone

Voting Aye: Chairman Justin Weaver, Board Member Cynthia Escalera, Board Member Gary Crone, Board Member Betty Birdwell, Board Member Lindy Cain, Board Member Steve Butler
Voting Nays: None

These minutes were approved on September 23, 2026

Justin Weaver, Chairman of the Planning Board

Alyssa Calzada, Development Services Coordinator

# COMMUNICATION

**SUBJECT: Consider a request for the development of storage facilities and a variance to the required toilet facilities on property described as A0035 MAXIMO SANCHEZ, TRACT PT 27, ACRES 7.33, & ABST 12 A.ESPARZA, TR PT 12. Property ID# 37976**

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## INFORMATION:

# CITY OF PORT LAVACA

**MEETING:** September 23, 2026 **AGENDA ITEM _____**

**DATE:** 09.14.2026

**TO**: PLANNING BOARD

**FROM:** DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

**SUBJECT:** Consider a request for the development of storage facilities and a variance to the required toilet facilities on property described as A0035 MAXIMO SANCHEZ, TRACT PT 27, ACRES 7.33, & ABST 12 A.ESPARZA, TR PT 12. Property ID# 37976

**Sec. 42-159. - Approval of planning commission required.**

No person shall construct a multifamily dwelling, townhouse, patio home or other commercial development project without approval of said construction project by the planning commission…

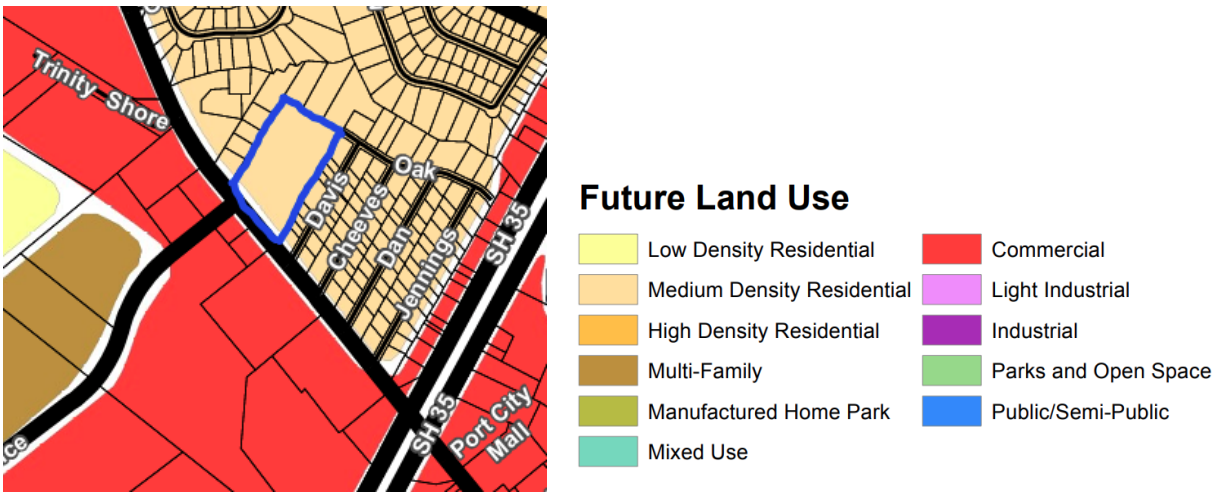
*The applicant is wanting to purchase the land for the development of storage facilities without an office or full-time employee. The plan is to develop the property in six phases. Each phase will be a total of 100 climate-controlled units within a single structure.*

**In accordance with Sec.2902.3.3 of the 2021 International Building Code, the required employee toilet facilities shall not exceed a path of travel distance of 500 feet.**

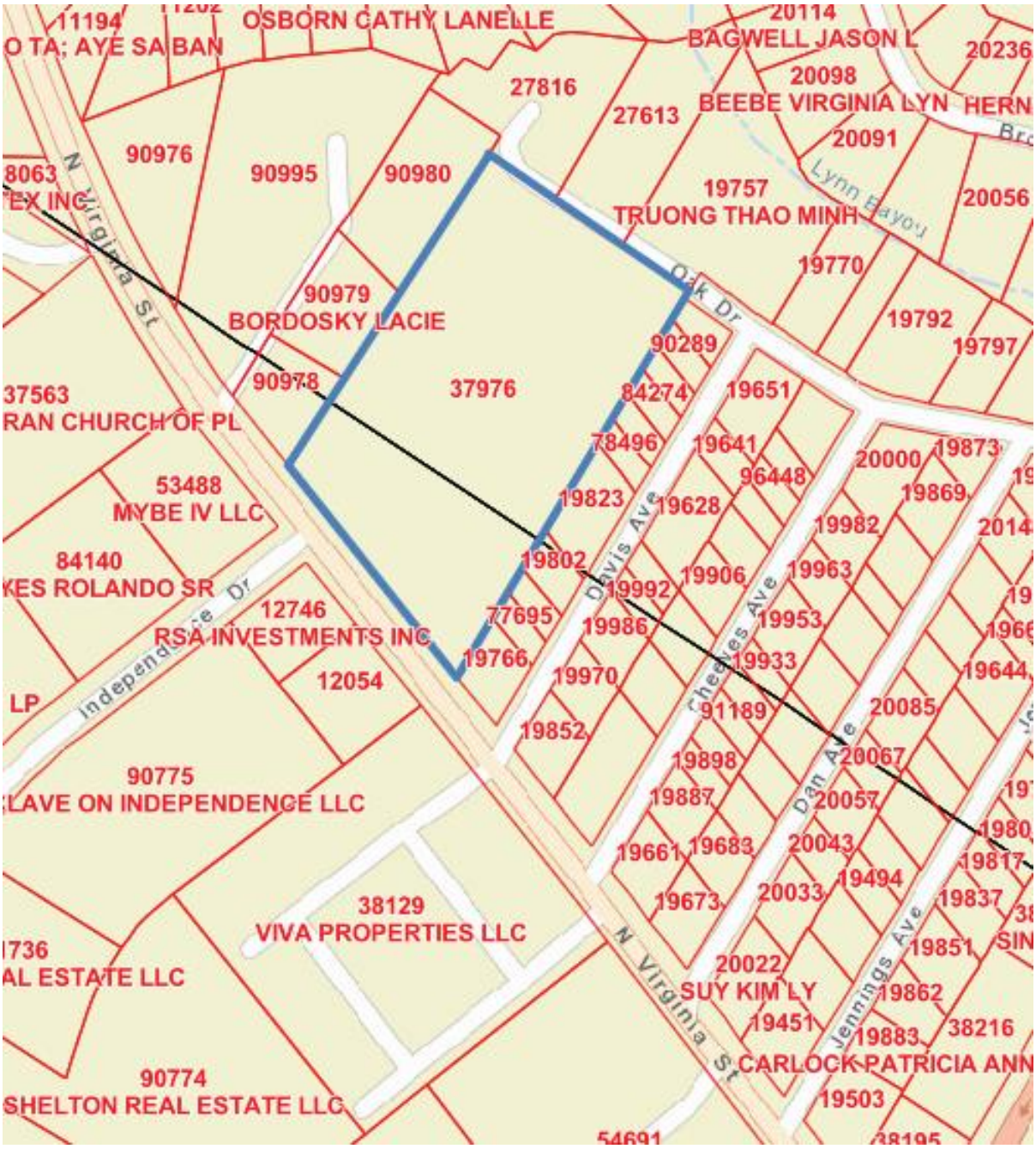
*The applicant is not planning to have a full-time employee on-site. Therefore, he is requesting an exemption from the toilet facilities requirement.*

**Future land Use Map**
https://portlavaca.org/wp-content/uploads/2020/10/Future-Land-Use-Plan.pdf

The property is planned for Medium Density Residential on the City of Port Lavaca's Future Land Use Map.



# CITY OF PORT LAVACA



## Property Details

| Account | | |
|---|---|---|
| **Property ID:** | 37976 | **Geographic ID:** A0035-00000-0116-00 |
| **Type:** | R | **Zoning:** |
| **Property Use:** | | **Condo:** |
| **Location** | | |
| **Situs Address:** | FM 1090 PORT LAVACA, TX 77979 | |
| **Map ID:** | A0035-00090-0001-00 | **Mapsco:** |
| **Legal Description:** | A0035 MAXIMO SANCHEZ, TRACT PT 27, ACRES 7.33, & ABST 12 A.ESPARZA, TR PT 12 | |
| **Abstract/Subdivision:** | A0035 | |
| **Neighborhood:** | (1570) PORT LAVACA EAST-FM 1090 | |
| **Owner** | | |
| **Owner ID:** | 124589 | |
| **Name:** | JQ AMERICAN PROPERTIES | |
| **Agent:** | MICHAEL R SILBERSTEIN, ATTORNEY AT LAW | |
| **Mailing Address:** | INVESTMENTS LLC (THE)<br>5419-B CLAREWOOD DR<br>HOUSTON, TX 77530 | |
| **% Ownership:** | 100.0% | |
| **Exemptions:** | For privacy reasons not all exemptions are shown online. | |

**Staff Recommendation:** APPROVAL. The property is on a major thoroughfare and across the street from commercial property. complies with our Future Land Use Plan.

**Attachments:**

- Application
- Conceptual site plan
- Examples of a similar facility

# CITY OF PORT LAVACA

City of Port Lavaca

Request for Non-Residential

**Planning Board Review**

Date: 9/23/2026

Time: 6:00 PM

Location: 202 N Virginia St. Port Lavaca, TX 77979

**APPLICATION DUE: 9/14/2026**

Date: 9-10-26

Applicant Name: Sterling Cromwell (Cutter Storage Units)

Property ID or Address for variance: 37976

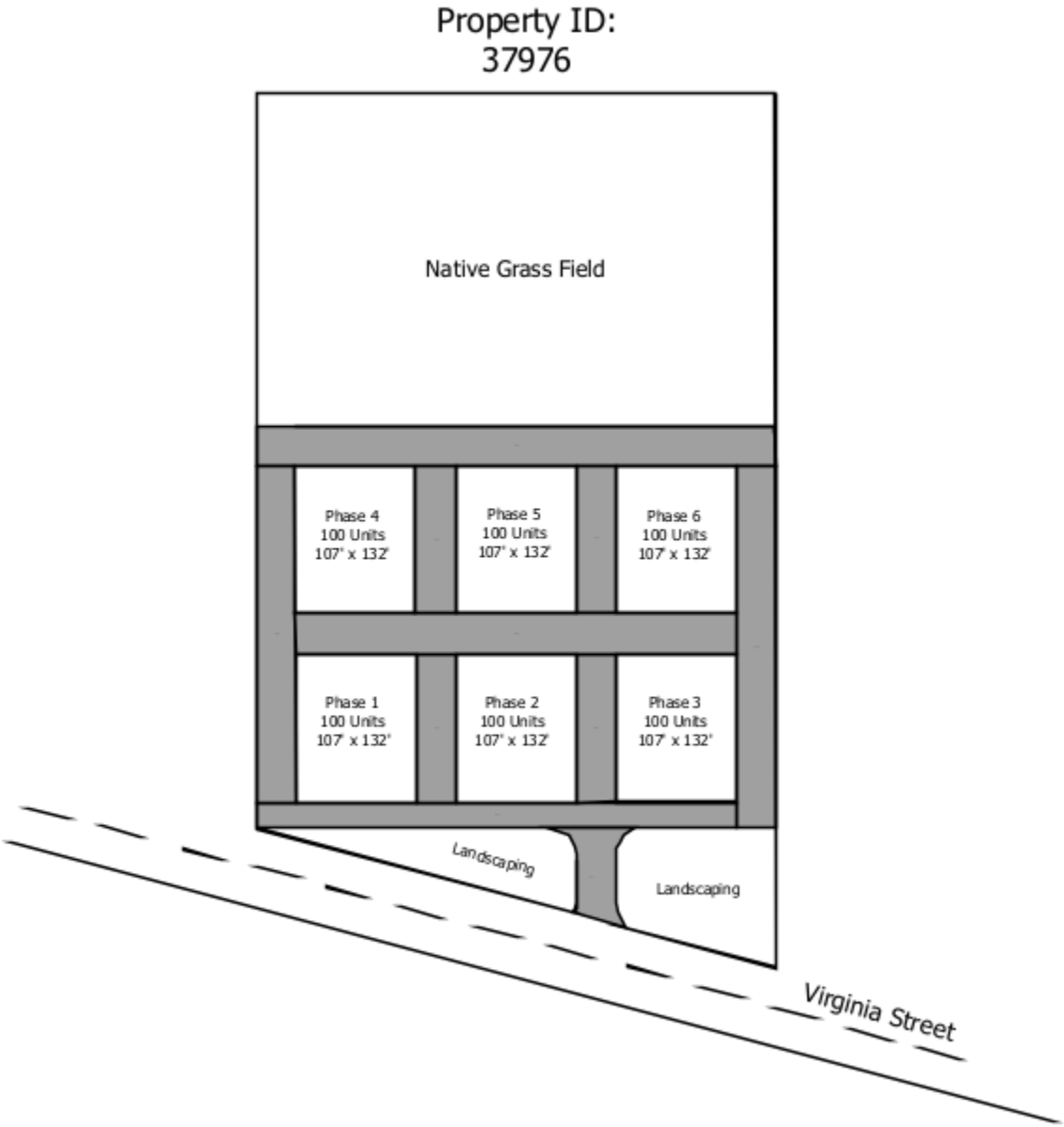
Reason for request:

I am applying for a variance to approve of the development of a storage facility.

If approved for the development, I would also like to apply for an exemption from the requirement of water and sewage at the facility. Our facilities do not have any full time employees, they are installed without an office, so restrooms are not necessary.

Signature:

Phone No. 361-944-2077


Property ID:
37976
Native Grass Field
Phase 4
100 Units
107' x 132'
Phase 5
100 Units
107' x 132'
Phase 6
100 Units
107' x 132'
Phase 1
100 Units
107' x 132'
Phase 2
100 Units
107' x 132'
Phase 3
100 Units
107' x 132'
Landscaping
Landscaping
Virginia Street

PLATA STORAGE UNITS
CLIMATE CONTROLLED
(361) 330-0173
PlataStorageUnits.com

16
91

# COMMUNICATION

**SUBJECT: Discuss proposed Zoning Ordinance and Zoning Map**

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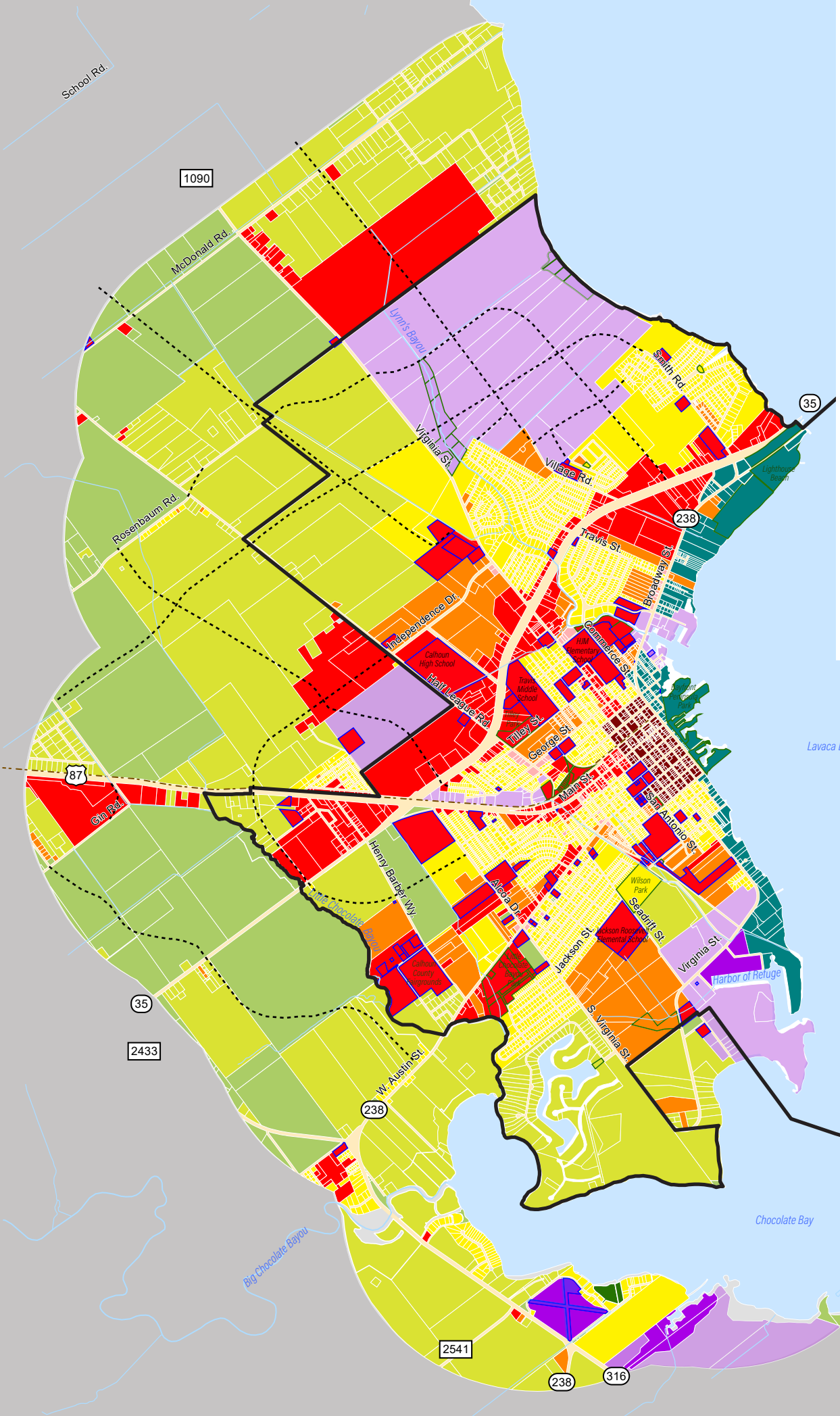
## INFORMATION:

# CITY OF PORT LAVACA COMPREHENSIVE P

Client: City of Port Lavaca
Consultants: Baxter and Woodman, Inc.
Data Sources: TxDOT, TPWD, TCEQ




## LEGEND

- City Limits
- Extraterritorial Jurisdiction
- Water Bodies
- U.S. and State Highways
- Major Local Roads
- Minor Local Roads
- Railroads
- Public / Institutional
- Parks and Open Space
- Proposed Local Thoroughfare

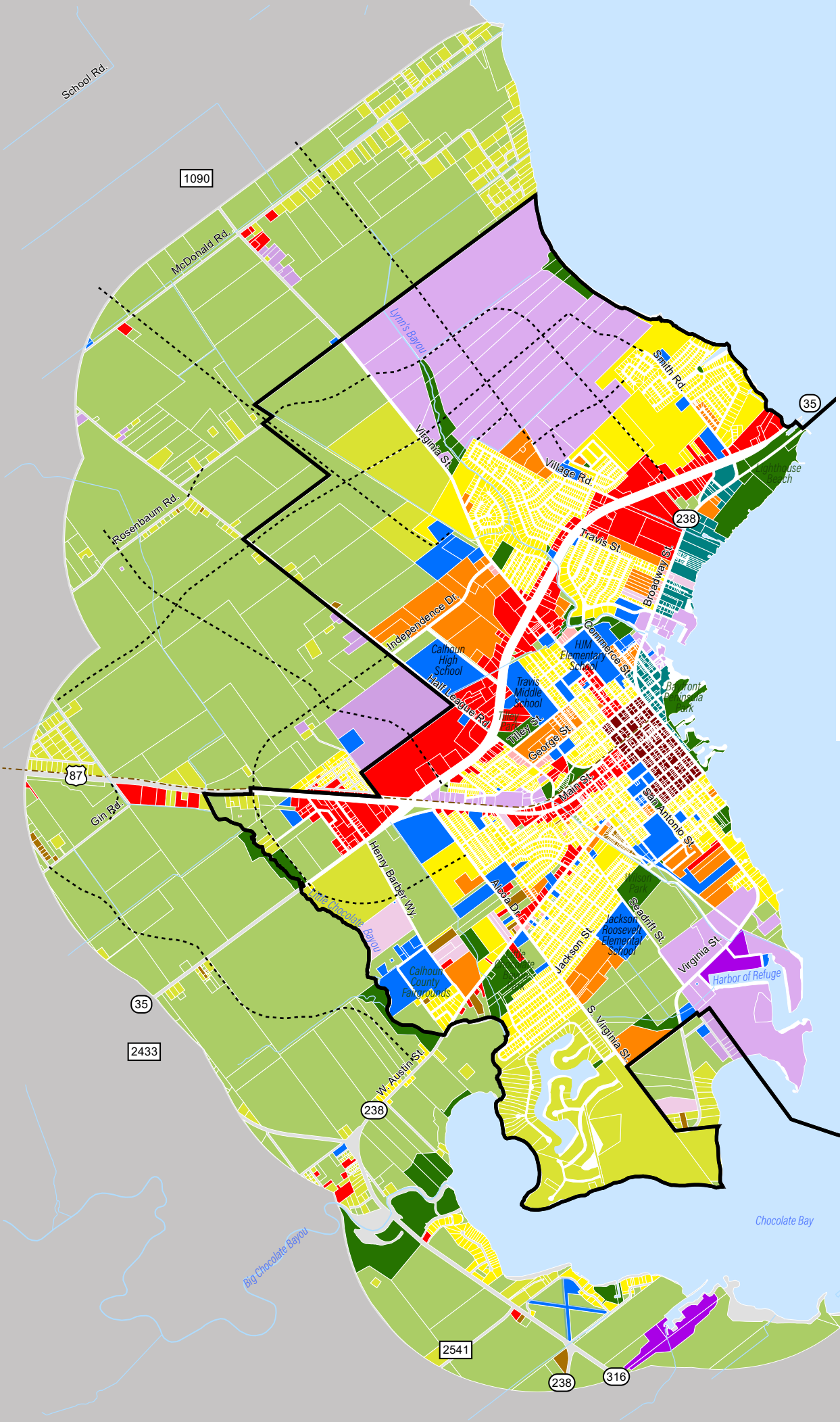
### Zoning District

- Rural / Undeveloped (RU)
- Rural Residential (R1)
- General Residential (R2)
- Multi-Family Residential (MFR)
- General Commercial (GC)
- Neighborhood Commercial (NC)
- Downtown Core (DC)
- Waterfront District (WD)
- Business Park (BP)
- Industrial (I)

0 miles 1/4 1/2 3/4 1

August 2026

## MAP X: ZONING PLAN




CITY OF PORT LAVACA COMPREHENSIV

Item 3.

Client: City of Port Lavaca
Consultants: Baxter and Woodman, Inc.
Data Sources: TxDOT, TPWD, TCEQ,

## LEGEND

- City Limits
- Extraterritorial Jurisdiction
- Water Bodies
- U.S. and State Highways
- Major Local Roads
- Minor Local Roads
- Railroads

### Future Land Use

- Rural / Undeveloped
- Rural Residential
- General Residential
- Multi-Family Residential
- Manufactured Home or Park
- Recreational Vehicle Park
- General Commercial
- Neighborhood Commercial
- Downtown Core
- Mixed Use
- Public / Institutional
- Parks and Open Space
- Business Park
- Industrial
- Proposed Local Thoroughfare

0 miles 1/4 1/2 3/4 1

August 2026

## MAP X: FUTURE LAND USE PLAN

# Chapter 56 – ZONING

## ARTICLE I. - GENERAL PROVISIONS

**Sec. 56-1. - Short title.**
This ordinance shall be known and may be cited as the "City of Port Lavaca Zoning Ordinance" or "this Ordinance".

**Sec. 56-2. - Jurisdiction.**
This Ordinance applies to all land within the regular municipal boundaries of Port Lavaca.

**Sec. 56-3. - Purpose.**
This Ordinance is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of Port Lavaca. More specifically, this ordinance provides for the division of land into different districts that, in combination with regulations pertaining to such districts, are designed in accordance with the comprehensive plan to achieve objectives that include, but are not limited to, the following:

A. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with the Port Lavaca Comprehensive Plan.

B. Protect the character and the established pattern of the Land Use District in each area;

C. Prevent or minimize future land use incompatibilities and conflicts among different land uses;
D. Maintain property values by stabilizing expectations and ensuring predictability in development;

E. Establish a process that effectively and fairly applies the regulations and standards of this Ordinance and respects the rights of property owners and the interests of citizens;

F. To enhance the scenic beauty, aesthetics of the planning jurisdiction; and
,
G. Preserve, protect, and maintain the environmental health of the community; in regards to air, water, soil, and light quality

**Sec. 56-4. - Definitions.**
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means:

(1) In a residential district, a subordinate building that is attached to or detached from the main building on the same lot or parcel of land, without separate utilities, not

used for commercial purposes, and not rented which serves a purpose that is customarily associated with the principal use. Examples of accessory buildings include a washroom, a storage room for domestic storage only, and a space for one or more automobiles,

(2) In other districts, a subordinate building, the use of which is incidental to and used only in conjunction with the main building on the same lot or parcel of land.

*Accessory use* means a use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal use.

*Administrative Officer* means the official appointed by the city manager to administrate and enforce this chapter.

*Agent of owner* means any person who can show certified written proof that he is acting for the property owner.

*Apartment* means a room or suite of rooms in an apartment house arranged, designed or occupied as a residence by a single family, individual or group of individuals.

*Apartment house* means any multiple-family dwelling or building, or portion thereof, that is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

*Beginning of construction* means the incorporation of labor and material within the foundation of the building.

*Building* means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, property, or business activity, and includes any structure used or intended to be used for supporting or sheltering a use or occupancy. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building.

*Building line* means a line parallel or approximately parallel to a lot line or street line and beyond which buildings may not be erected.

*Building, main,* means a building in which is conducted the principal use of the site on which it is located. In any residential district, any and all dwellings shall be deemed to be main buildings on the site on which they are located.

*Clinic, medical,* means an institution or station for the examination and treatment of ill and afflicted out-patients.

*Convalescent home* means any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

*Congregate Living Facility* refers to a structured housing model where four or more unrelated individuals reside together in a shared environment.

*Court* means an open, unoccupied and unobstructed space, other than a yard, on the same lot with the building or group of buildings.

*Coverage of a lot* means the ratio of gross floor area of the first floor of a building or a group of buildings on the same lot to the area of the lot, expressed as a percentage.

*Day nursery* means a place where children are left for care between the hours of 7:00 a.m. and 6:00 p.m.

*Detached structure* means any building, accessory building or structure that is not physically attached to any other building or structure by any means.

*District* or *zoning district* means a portion of the territory of the city within which certain uniform resolutions and requirements or various combinations thereof apply under the provisions of this chapter.

*Dwelling* means a building which contains at least one dwelling unit, and used exclusively for residential purposes, but not including tents, trailers, recreational vehicles, or mobile homes.

*Dwelling, duplex,* means a dwelling designed for and used by two families, each having its own dwelling unit.

*Dwelling, multiple-family,* means a dwelling designed for and used by three or more families, each having its own dwelling unit.

*Dwelling, single-family,* means a dwelling designed for and used exclusively by one family.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation, and in full compliance with the city's minimum housing standards.

*Family* means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit and in which not more than ~~four~~ three individuals are unrelated by blood, adoption or marriage.

*Floor area of a building* means the sum of the gross horizontal areas of the several floors of a building, measured from the centerlines of exterior walls or from the centerline of walls separating two buildings in square feet.

*Frontage* means the total length of the line or curve of a lot boundary that is coterminous with a street right-of-way line. For corner lots, frontage may be calculated for each street.

*Grade, existing,* means the average level of the original surface of the ground adjacent to the exterior walls of the building.

*Home Occupation* means an activity carried on only by a resident member of a family, as an accessory use, meeting these conditions:

(1) Only one non-illuminated sign no larger than four square feet in area is used.

(2) Nothing is done to make the building appear in any way as anything but a dwelling.

*Hotel/motel* means a building or group of buildings, including either separate units or a row or rows of units that contain living or sleeping accommodations primarily for transient occupancy, and have individual entrances.

*Lot* includes the terms "plot" and "parcel" and means one piece, parcel or tract of land that collectively meets all the following requirements:

(1) Is located in a single block;

(2) Has frontage on an accepted and improved public street;

(3) Is occupied or utilized or designated by its owner or developer to be occupied, developed or utilized as a unit for a principal use and uses accessory thereto, together with such open spaces as are required by this chapter; and

(4) A plat of which has been recorded in the office of the county clerk.

*Lot, area of,* means the net area of the lot and shall not include portions of streets and alleys.
*Lot depth* means the mean horizontal distance between the front lot line and rear lot line of a zoning lot.

*Lot line* means a boundary of a lot.

*Lot line, front,* means the street right-of-way line at the front of a lot.

*Lot line, rear,* means the lot line opposite and most distant from the front.

*Lot line, side,* means a lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a thoroughfare other than an alley is an exterior side lot line as opposed to an interior side lot line.

*Lot width* means the mean horizontal distance between the side lot lines of a lot.

*Manufactured home* means a HUD-Code manufactured home or a mobile home and collectively means and refers to both.

*Manufactured home, HUD-Code,* means a structure constructed on or after June 15, 1976, according to the rules of the federal department of housing and urban development transportable in one or more sections that, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected onsite, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the home's plumbing, heating, air conditioning, and electrical systems.

*Manufactured home park* means a tract of land, not less than three acres in size, under single or common ownership, that is designed and improved to contain five or more sites available for long-term lease or rent to the public for the placement of manufactured homes, and that may include private streets, buildings, and other facilities and services for common use by the residents, meeting all requirements of this chapter.

*Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections that, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected in site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the home's plumbing, heating, air conditioning, and electrical systems.

*Nursing home* means any premises where more than three persons are lodged and furnished with meals and nursing care.

*Open space* means an area included in any side, rear or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky.

*Recreational vehicle* means a vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven which is designed as a temporary living accommodation for recreational, camping, and travel use, and which includes, but is not limited to, travel trailers, truck-campers, camping trailers, and self-propelled motor homes. Except as provided in Chapter 12, for use in conjunction with a temporary event or business activity otherwise allowed, and not to exceed 30 days, or parked on a lot with an otherwise conforming residence or business, and located on the lot for not longer than 14 days, the use of a recreational vehicle as a dwelling, other than within a recreational vehicle park, is prohibited.

*Recreational vehicle park* means any parcel or tract of land, not less than three acres in size, under single or common ownership, that is designed and improved to provide two or more camping unit sites that are offered for the use of the public by rent or lease, and that may include private streets, buildings, and other facilities and services for common use by the residents, meeting all requirements of this chapter. Recreational vehicle park sites are designed and intended to accommodate recreational vehicles only.

*Setback line* means that line which is parallel to and the minimum allowable horizontal distance from a given point or line or reference, such as a lot line, to the minimum required building line.

*Sexually oriented business* means any business that includes a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

*Sign* means any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device.

*Sign, area of,* means the total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

*Story* means that portion of a building included between the surface of any floor and the ceiling next above it.

*Street* means any thoroughfare other than an alley.

*Street line* means a dividing line between a street right-of-way and an abutting lot, tract, or parcel of land.

*Structural alteration* means any change in the structural members of a building, such as walls, columns, beams, or girders.

*Structure* means anything constructed, the use of that required permanent location on the ground or attachment to something having a permanent location on the ground.

*Townhouse* means a single-family dwelling constructed in a series or group of attached units with property lines separating each unit.

*Townhouse, private yard,* means an area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

*Trailer (including automobile trailer and trailer coach)* means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

*Used* and *occupied* include the phrase "intended, designed or arranged to be used or occupied."

*Yard* means an open, unoccupied space other than a court on the lot in which a building is situated that is unobstructed from the ground to the sky.

*Yard, front,* means an open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yards and being the minimum horizontal distance between the street line and the main building.

*Yard, rear,* means an open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and being the minimum horizontal distance between the rear lot line and the main building.

*Yard, required front,* means an open space extending the full width of a lot between the front line and the front setback line, unoccupied and unobstructed from the ground upward except as otherwise specified elsewhere in this chapter.

*Yard, required rear,* means an open space extending the full width of the lot between the rear lot line and the rear setback line, unoccupied and unobstructed from the ground upward except as otherwise specified elsewhere in the chapter.

*Yard, required side,* means an open space extending from the minimum front yard setback line to the minimum rear yard setback line between the side yard setback line and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise specified elsewhere in this chapter.

*Yard, side,* means an open, unoccupied space on the same lot with a building, situated between the building and side line of the lot, and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

*Zoning map, official,* means the zoning map or maps of the city attested together with all amendments subsequently adopted.

**Sec. 56-5. – Provisions of Chapter Declared to be Minimum Standards; Conflicts.**

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements for the promotion of the public safety, health, environment, convenience, comfort, morals, prosperity and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or laws, including private deed restrictions and covenants, the more restrictive or that imposing the higher standards shall govern; however, the City shall have no obligation to review or enforce private deed restrictions or covenants.

**Sec. 56-6. – Official Zoning Map.**

(a) *Adoption by reference; certification required.* The City Council has divided the city into zones or districts as shown on the official zoning map that, together with all explanatory

matter thereon, is adopted by reference into this section. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map of the city referred to in the official City Code."

(b)*Changes to map.* No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change is a violation of this chapter. If authorized changes are made in district boundaries or other matter portrayed on the official zoning map in accordance with the provisions of this chapter, such changes shall be made on the official zoning map promptly after the amendment has been approved by the City Council. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon this official zoning map. The entry shall be signed by the mayor and attested by the city clerk.

(a) *Original map controlling over copies in the event of conflicts.* Regardless of the existence of purported copies of the official zoning map that may from time to time be made or published, the official zoning map, located in the office of the city clerk, shall be the final authority as the current zoning status of land, building and other structures in the city.

(b) *Adoption of new zoning map.* In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original, this chapter or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map previously adopted by the city."

**Sec. 56-7. - Compliance With These Regulations.**

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

(b) No building shall be erected, reconstructed, moved or structurally altered or used for any purpose other than permitted in the district in which such building is located.

**Sec. 56-8. - Effective Date.**

The effective date of this Ordinance shall **be TBD**

**Sec. 56-9. - Severability.**
If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it

being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**Sec. 56-10. - Transitional Provisions.**

(a) Previously Approved Plats. Nothing in this Ordinance shall limit or modify the rights of any person to complete any subdivision project which has received prior plat approval under existing subdivision regulations in place at that time. Such project should otherwise meet at least one (1) of the following criteria:

(1) Any subdivision created by plat and recorded before the effective date of this Ordinance and has remained undeveloped.

(2) Plats that were recorded before the effective date of this Ordinance and development has commenced and is continuing in good faith.

(3) A complete application for preliminary plat and/or conceptual plan approval filed with the City prior to adoption of this Ordinance and any plat currently under review by the City before adoption of this Ordinance.

(b) Expired Plats. Expired plats shall conform to current City regulations and construction standards.

(c) Nothing in this Ordinance shall limit or modify the rights of any person to continue a use approved by City Council prior to the effective date of this Ordinance, subject to any and all of the conditions specified in such approval

**Sec. 56-11---56-21. – Reserved.**

**ARTICLE II. - ZONING DISTRICTS AND USES**

~~**Sec. 56-22. - Division into zones and districts; plat; vacation of streets or alleys.**~~

~~A. Zoning districts and regulations as herein set forth are established. The city is hereby divided into:~~

~~1. R districts (Residential)~~

~~2. C districts (Commercial/Industrial)~~

~~B. The residential zones are further divided into the following specific districts:~~

~~1. R-1 Single-Family District~~

~~2. R-2 – Two-Family District~~

~~3. R-3 – Multi-Family District – Low Density~~

~~C. The commercial zones are further divided into the following specific districts:~~

~~1. B-1 – Business.~~

~~2. I-1, I-2 – Industrial.~~

## Sec. 56-22. Zoning Districts Established.

(a) Generally. The City of Port Lavaca is divided into the ten zoning districts that are established by Table 56-22A, Zoning Districts Established.

| Table 56.22A | | | |
|---|---|---|---|
| Zoning Districts Established | | | |
| **District Classification** | **District Name** | **Symbol** | **District Character** |
| Agricultural and /or Rural | Rural/Undeveloped | RU | Rural |
| Residential | Rural Residential | R1 | Rural |
| Residential | General Residential | R2 | Suburban and/or Neighborhood Conservation |
| Residential | Multi-Family Residential | R3 | Auto Urban and/or Neighborhood Renovation |
| Commercial | General Commercial | GC | Auto Urban |
| Commercial | Neighborhood Commercial | NC | Neighborhood Conservation |
| Commercial/Mixed-Use | Downtown Core | DC | Semi-Urban |
| Commercial/Semi-Urban | Waterfront | WF | Semi-Urban |
| Light Industrial | Business Park | BP | Suburban |
| Heavy Industrial | Industrial | I | Industrial |

(b) The various districts include the following tracts, blocks, or parcels of land, as designated on the official zoning map and made a part hereof for any and all purposes.

(c) Whenever the council vacates a street or alley, the adjacent districts shall extend to the centerline of the vacation.

**Sec. 56.23. - Minimum standards.**

(a) Use of premises and all buildings in the city shall be in accordance with the minimum standards herein established.

(b) Yards, parking spaces, or lot areas required for one building cannot be used for another building; nor can the size of a lot be reduced below the requirements of this chapter.

**Sec. 56-24. - Permitted land uses and additional standards.**

(a) Land and Building uses in each zoning district may be used for any of the specified uses set out in Table 56-24A, Zoning Districts Classifications.

******(Insert Table)******

~~Premises in the city shall be used for the following purposes:~~

~~A. Property in the R1, R2 and R3 districts may be used only for:~~

~~1. Single-family dwellings, specifically excluding manufactured homes.~~

~~2. Accessory building for storage residential only and meeting all requirements of this chapter.~~

~~3. Public parks and utilities.~~

~~4. Any public building erected or used by the city, county, state or federal government.~~

~~5. Schools; kindergarten, elementary, high, college and universities, public or denominational.~~

~~6. Home occupations.~~

~~(a) Home occupations are limited to any occupation that is customarily carried on at a place of residence that does not involve a structural change in the dwelling unit or in a building accessory to the dwelling unit, that does not require the employment of help other than members of the immediate household. The occupation cannot store material, inventory, or product outside or result in fumes, odors or noises that create a nuisance. There is no sign other than one sign (non-illuminated), no larger than one square foot in area. The following uses shall not be permitted as home occupations unless approved as specific use permits:~~

~~(i) Any office in which chattels, goods, wares, or merchandise are commercially created, exchanged, or sold on site.~~

~~(ii) Barbershops or beauty shops; beauty schools.~~

~~(iii) Commercial stables or kennels.~~

~~(iv) Medical offices for the treatment of patients.~~

~~(v) Commercial automobile repairs, motor vehicle repair of more than one vehicle.~~

~~(vi) Small engine repair.~~

~~(vii) Childcare of more than six children under 14 years of age.~~

~~B. In the R2 district, there may also be duplexes.~~

~~C. In the R3 district, there may also be:~~

~~1. triplexes and tiny homes;~~

~~2. apartments, condominiums, townhouses, or other group dwellings with provisions for adequate light, air, open space and landscaped areas;~~

~~3. Move-in area. Buildings from other areas may be moved into this district so long as the building passes the building code and is a conforming use for the area.~~

~~D. Property in the commercial districts may be used for any legal business, as long as the uses are not obnoxious or offensive due to emission of noise, odor, dust, gas, vibration, or those requiring special permission as outlined in subsection (F) of this section.~~

~~E. In the commercial districts, there may be any of the uses defined in this section except that:~~

~~1. There may be no building for residential use and no trailers, except quarters for security personnel.~~

~~2. A junkyard must be surrounded by a solid fence at least six feet high located within the building lines, and the junk shall not be piled higher than the fence.~~

~~F. The following uses must be given council approval before a building or occupancy permit is issued:~~

~~a. Acid manufacturing, cement, lime, gypsum, dairy products processing and manufacturing, explosives manufacturing or storage, fat rendering, fertilizer manufacturing, gas manufacturing, garbage, reduction or dumping, glue manufacturing, petroleum or its products, refining of or smelting of tin, copper, zinc or iron ores, stockyards or slaughter of animals or stables, and other items as council may approve by resolution.~~

~~b. Before granting such special approval, the council shall refer the application to the fire chief, building inspector and the planning and zoning commission for investigation and report. If no report is received within 45 days, the council may act on the application.~~

**Sec. 56-25. - ~~Accessory buildings~~. Conditional Development Standards.**

(a) Accessory buildings shall be located in accordance with the following rules:

(1) Accessory buildings located in a rear yard may not occupy more than 50 percent of the rear yard.

(2) Any accessory building closer than five feet to the main building shall be considered as an addition to ~~part of~~ the main unit. ~~and shall have a side and rear yard as required for the main building.~~

(3) Accessory buildings in front yards or in easements are prohibited. ~~more than five feet from a main building may be erected within five feet of a side or rear lot line but must be located at least 50 feet from the front street line.~~

(4) Accessory buildings shall have a side and rear yard setback as required for the main building.

(b) Home occupations.

(1) Home occupations are limited to any occupation that is customarily carried on at a place of residence that does not involve a structural change in the dwelling unit or in a building accessory to the dwelling unit, that does not require the employment of help other than members of the immediate household. The occupation cannot store material, inventory, or product outside or result in fumes, odors or noises that create a nuisance. There is no sign other than one sign (non-illuminated), no larger than four square feet in area. The following uses shall not be permitted as home occupations unless approved as specific use permits:

a. Any office in which chattels, goods, wares, or merchandise are commercially created, exchanged, or sold on site.

b. Barbershops or beauty shops; beauty schools.

c. Commercial stables or kennels.

d. Medical offices for the treatment of patients.

e. Commercial automobile repairs, motor vehicle repair of more than one vehicle.

f. Small engine repair.

g. Childcare of more than six children under 14 years of age.

(c) Kennel/Veterinary Office Standards.

(1) All commercial kennels with indoor and/or outdoor pens and runs (except where related to indoor medical treatment) shall be located a minimum of fifty (50) feet from adjacent residential properties to minimize noise and odor nuisances.

(2) Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.

(d) Uses with Flammable, Toxic, and Hazardous Materials.

(1) The storage, manufacture, utilization, or dispensing of substances which may constitute or may cause danger to public health, safety, or welfare shall be conducted only within the limits and conditions specified in the latest currently adopted addition of both the International Fire Code and International Building Code.

(2) The emission of toxic or explosive vapors, dusts, or aerosols into the atmosphere shall not exceed, at the facility property line, more than fifty (50) percent of the limit of such as is given in "threshold limit values" as adopted in the most currently adopted International Fire Code and International Building Code.

(3) No form of flammable, toxic, or other hazardous material shall be released into or upon any utility line, pit, dump, open ground, stream, or drainage way.

(4) The container size, location, design, and construction of any storage tank, building, or facility for any flammable, toxic, or other hazardous material shall be approved by the fire chief and the city manager as a part of the building permit application and shall be based upon the requirements of the International Fire Code and International Building Code.

**Sec. 56-26. - Nonconforming uses.**

(a) Nonconforming uses are those lawful uses of premises that do not conform with the requirements of this chapter on the effective date of the ordinance from which this chapter is derived or any governing amendment thereto and may be continued after the adoption of the ordinance from which this chapter is derived, subject to the provisions hereof.

(b) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not be used except in conformance with the regulations of the district in which it is located.

(c) A nonconforming use cannot be enlarged, extended, reconstructed or structurally altered unless changed to a conforming use.

(d) Nonconforming light industrial uses in the commercial districts may be rebuilt, reconstructed, structurally altered or enlarged if the enlargements do not total more than a 50 percent increase in cubical contents of buildings existing on the date of the passage of the ordinance from which this chapter is derived.

(e) If a nonconforming use is damaged or destroyed to an extent of more than 50 percent of its fair market value by a fire, explosion, flooding, or act of God, then any restoration must be for a permitted use.

(f) Passage of the ordinance from which this chapter is derived in no way legalizes any illegal uses existing at the time of its adoption.

(h) If any person entitled to possession and use of any property subject to any nonconforming use shall sell, convey or divest themselves of their interest in such property subsequent to the adoption of the ordinance from which this chapter is derived, then such property will not qualify under the nonconforming use provisions of this chapter.

(i) Where a lot is in a commercial district and is next to a residential district, the side or rear yard required in the residential district must be provided along the boundary line.

(j) In the commercial districts there may be more than one commercial or industrial building on a lot, provided that the required yards are maintained around the group of buildings.

(k) Those parts of existing buildings that violate yard regulations may be repaired and remodeled but not reconstructed or structurally altered, unless such reconstruction or structural alteration is approved by the Zoning Board of Adjustments.

(m) Churches, public buildings and institutions, when located in or abutting an R1, R2, or R3 district, shall provide front and rear yards of 25 feet and side yards of ten feet.

**Sec. 56-27 --- 56-37. – Reserved.**

## ARTICLE III. – ADMINISTRATIVE AND ENFORCEMENT

### DIVISION 1. – GENERALLY

#### Sec. 56-38. – Administrative Officer

(a) *Designated Officer.* The City Manager shall appoint the Administrative Officer of this Ordinance.

(b) *Powers and Duties.* The Administrative Officer or a designated person shall be responsible for the following powers and duties with regard to this Ordinance:

(1) Review and final action on pre-development permits, building permits, certificates of occupancy, and written interpretations of this Ordinance.

(2) Review and make recommendations to the Planning and Zoning Commission on specific use permits, planned unit developments, subdivisions, text amendments to this Ordinance, and map amendments or re-zonings

(3) The Administrative Officer may consult with the City Engineer, Building Official, Fire Chief, Public Works Director, Planner, Economic Development Director for the purpose of reviewing land development plans.

(4) If the Administrative Officer finds that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, including the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(5) Any other powers and duties as may be assigned by the City Manager.

**Sec. 56-39. - Complaints Regarding Violations.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

**Sec. 56-40. - Violations and penalties.**

(a) Violation of the provisions of this chapter or failure to comply with any of its requirements shall be guilty of a Class C misdemeanor.

(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and shall be guilty of a Class C misdemeanor.

(c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

**Sec. 56-41 --- 56-51. – Reserved.**

## DIVISION 2. – SPECIFIC USE PERMITS

**Sec. 56-52. - Uses that may be subject of specific use permits.**

The city council of the city may, after public hearing and proper notice to all parties affected, and after recommendation from the planning and zoning commission containing such requirements and safeguards as are deemed necessary to protect adjoining property, authorized by ordinance the location of any of the following in the following specified districts:

(a) Airport, landing field or heliport in any district.

(b) Cemetery or mausoleum.

(c) Drive-in theater in any district, minimum lot size ten acres.

(d) Hospital, convalescent home, nursing home, retirement center, maternity home, boarding house, or similar uses in any district; or on a minimum of five acres, penal or correctional institution, jail, prison, substance abuse facility, social rehabilitation facility, halfway house, psychiatric care facility, or similar uses in any district.

(e) Veterinarian, Animal Hospital and Kennels

(f) Institutions of a religious or philanthropic nature in any district.

(g) Recreational Vehicle Parks

(h) Bed and Breakfast

(i) Congregate Living Facility

**Sec. 56-52 --- 56-62. – Reserved.**

**Division 3. – Zoning Board of Adjustments**

**Sec. 56-63. - Established.**

(a) *Appointment and removal of members; vacancies*. A board of adjustments is hereby established which shall consist of five members to be appointed by the city council, each for a term of two years.

(b) *Alternate members.* The city council may appoint two or more alternate members to serve in the absence of one or more regular members when requested to do so by the city manager. The alternate members serve for the same term and are subject to removal in the same manner as regular members. A vacancy is filled in the same manner as a vacancy is filled among the regular members.

(c) *Removal; filling vacancies.* Members of the board of adjustments may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the city council for the unexpired term of the member affected.

(c) *Rules; meetings.* The board of adjustments shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the chairperson and at such times as the board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(d) *Minutes*. The board of adjustments shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

**Sec. 56-64. - Procedure for appeals.**

(a) Any persons aggrieved, or any official or department of the city affected by any decision of judgment of the Administrative Officer concerning interpretation or administration of this chapter, may appeal such decision or judgment to the board of adjustment. Such appeals shall be taken within a reasonable time, not to exceed ten days or such other period as may be provided by the rules of the board by filing with the Administrative Officer and with the board of adjustments a notice of appeal accompanied by a fee as established by the city council specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(b) The board of adjustments shall fix a reasonable time for the hearing of appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

**Sec. 56-65. - Stay of proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the board of adjustments after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order that may be granted by the board of adjustments or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

**Sec. 56-66. - Powers and duties.**

(a) The board of adjustments shall have the following powers and duties:

(1) *Administrative review*. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this chapter.

(2) *Exceptions or temporary use permits*. To hear and decide only such exceptions or temporary use permits as the board of adjustments is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether exceptions should be granted; and to grant exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny exceptions when not in harmony with the purpose and intent of this chapter.

(3) *Variances*. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

(b) In granting any exception, the board of adjustments may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the exception is granted shall be deemed a violation of this chapter. The board of adjustments shall prescribe a time limit within which the action for which the exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void exception.

(c) The board of adjustments shall include a finding in all final decisions that it is empowered under this chapter to grant the exception, and that the granting of the exception will not adversely affect the public interest.

**Sec. 56-67. - Temporary use permit procedure and requirements.**

(a) An exception of temporary use permit shall not be granted by the board of adjustments unless and until a written application for an exception together with fee is submitted, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, indicating the section of this chapter under which the exception is sought and stating the grounds on which it is requested.

(b) Notice shall be given of such public hearing to the owner of the property for which the exception is sought or his agent and to all owners of real property lying within 200 feet of the subject property, such notice to be given not less than ten days before the date set for hearing to all such owners who have rendered the property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing same, properly addressed and postage paid, in the city post office. Notice of the time and place of such hearing shall also be given by one publication in the official newspaper at least 15 days prior to such hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

(c) A public hearing shall be held on the application. Any party may appear in person, or by agent or attorney.

**Sec. 56-68. - Variance procedure and requirements.**

(a) A variance from the terms of this chapter shall not be granted by the board of adjustments unless and until a written application for variance together with fee is submitted, accompanied by an accurate legal description, maps, site plans, drawings, and any necessary data, demonstrating that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) The special conditions and circumstances do not result from the actions of the applicant.

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

(b) No nonconforming use of neighboring lands, structures or building in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(c) Notice of public hearing shall be given in the same manner as required for temporary use permit applications.

(d) The public hearing shall be held. Any party may appear in person or by agent or by attorney.

(e) The board of adjustments shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure. The board of adjustments shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(f) Under no circumstances shall the board of adjustments grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the districts.

**Sec. 56-69. - Decisions; required vote.**

(a) In exercising its powers, the board of adjustments may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken.

(b) The concurring vote of four of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide

in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

Sec. 56-70---56-80. Reserved.

**DIVISION 5. AMENDMENTS**

**Sec. 56-81. - Initiation of amendment proceeding.**

The city council may, from time to time, amend this chapter by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and general welfare require such amendment. In addition, an am proceeding may be initiated by the planning and zoning commission or by an application of one or more owners of property affected by the proposed amendment.

**Sec. 56-82. - Application fee required for property owner-initiated proceedings.**

Each application by a property owner shall be accompanied by a fee in the amount provided in the city fee schedule to cover administrative and processing costs.

**Sec. 56-83. - Documentation to be submitted with application.**

An application for an amendment shall be accompanied by an accurate legal description, maps, site plans, drawings and any data necessary to demonstrate that the proposed amendment is in general conformance with the comprehensive plan of the city and that public necessity, convenience and general welfare require the adoption of the proposed amendment.

**Sec. 56-84. - Public hearing before the planning and zoning commission.**

(a) *Required*. Upon filing of the application, the planning and zoning commission shall call a public hearing on the application as provided herein.

(b) *Notice of hearing*. Written notice of such hearing shall be sent to the owners of property or their agents and to all owners of property lying within 200 feet of property on which the change in classification is proposed. The notice to be given not less than ten days before the date set for the hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Notice may be served by regular U.S. Mail. Where property lying within 200 feet of the property proposed to be changed is located in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given in one publication in the official newspaper appearing at least 15 days before the time of hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

(c) *Recommendation of commission.* If at the conclusion of the hearing, the planning and zoning commission decides to recommend amendment of this chapter to the city council,

the recommendation shall be by resolution of the planning and zoning commission carried by the affirmative votes of not less than a majority of its total membership. A copy of any recommended amendment shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.

(d) *Recommendation of denial may be appealed to city council.* In the event the planning and zoning commission recommends denial of an application after public hearing, the applicant may appeal the determination to the city council by filing a written notice of appeal with the city clerk within ten days after the determination of the planning and zoning commission.

**Sec. 56-85. - Review by and final decision of city council.**

(a) *Public hearing; notice*. If the planning and zoning commission has recommended approval of an application, or if the planning and zoning commission has recommended denial of an application and a notice of appeal has been filed pursuant to this division, the city council shall set the application for public hearing and shall give notice of the time and place of the hearing by one publication in the official newspaper appearing at least 15 days prior to such hearing, and in addition shall send written notices to the owners of property lying within 200 feet of the subject property.

(b) *Final action.* The city council may, by simple majority vote, disapprove an application for amendment of this chapter, or in approving an amendment to this chapter, the city council may impose such requirements and conditions or changes as they deem necessary.

(c) *Three-fourths vote of council required for certain actions*. A vote of three-fourths of the city council is required in order to adopt proposed amendments that have been recommended for disapproval by the planning and zoning commission or to adopt proposed amendments that have been recommended for approval by the planning and zoning commission against which a written protest has been filed with the city clerk duly signed and acknowledged by the owners of 20 percent of the land included in the proposed amendment or the owners of 20 percent of the land immediately adjacent to the land included in the proposed amendment and extending 200 feet therefrom.

(d) *Reconsideration after denial*. In case an application for an amendment to this chapter is denied by the city council, the application shall not be eligible for reconsideration for one year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the planning and zoning commission, to be eligible for consideration, within one year of the denial of the original application.

**Sec. 56-86. Joint public hearings authorized; procedure.**

As an alternative to separate hearing before the planning and zoning commission and the city council, the city council may by three-fourths vote call for a joint public hearing with the

planning and zoning commission and prescribe the type of notice to be given of the time and place of the hearing,

| Zoning District Name | 1. Rural/ Undeveloped (RU) | 2. Rural Residential (R1) | 3. General Residential (R2) | 4. Multi-Family Residential (R3) | 5. General Commercial (GC) |
|---|---|---|---|---|---|
| Character | Rural | Rural | Suburban and/ or Neighborhood Conservation | Auto Urban and/or Neighborhood Rennovation | Auto Urban |
| General Purpose of the District | Preservation of open space, farm land or individual homes within the largest parcels in the community | Homes within this category are rural in nature with larger front, back and side setbacks within parcels that are typically an acre in size and have a larger open space ratio. | Smaller in size than the Rural Residential District, these lots are dedicated to a suburban nature, located in neighborhoods of a similar character | Areas of existing neighborhoods with a mixture of single-family detached and attached dwellings, multifamily units, recreation vehicle parks, and manufactured homes on smaller lots and parcels that are encouraged for neighborhood renovations. | Mostly dedicated to a variety of commercial and residential uses with surface parking or on-street parking |
| Permitted Land Uses | Rural / Undeveloped<br><br>Residential, Single-family (detached garage)<br><br>Agricultural, Cropland<br>Agriculture, Grazing<br>Agriculture, Sales<br>Farming and Pastureland<br>Nursery or Greenhouse<br>Stable or Riding Academy<br><br>Police or Fire Station<br><br>Parks and Open Spaces | Residential, Single-family (min. 1,000 sf) (detached garage)<br><br>Schools<br>Public Institutional<br><br>Parks and Open Spaces | Residential, Single-family (attached or detached garage)<br><br>Residential, Duplex (attached or detached garage)<br><br>Schools<br><br>Parks and Open Spaces | Residential, Manufactured<br>Residential, Medium-Density (attached or detached; townhomes)<br>Residential, Duplex<br>Residential, Multi-Unit Dwelling<br>Residential, Apartments/ Condominiums<br><br>Parks and Open Spaces | Commercial, General (big box, strip center)<br>Walk in Clinic<br>Restaurants (General)<br>Parking Lots<br>Automobile Sales and Maintenance<br>Commercial, Retail (grocery store, shopping centers)<br>Medical Office<br>Hotels, Motels<br><br>Residential, Medium-Density (attached [variance])<br>Residential, Medium (townhome, duplex, apartment)<br><br>Parks and Open Spaces<br>Public Institutional |
| Conditional Use Permit | Daycares, home occupation, bed and breakfast; fences above 8' in height, only allowed in backyard | None | Group Housing | Group Housing, Manufactured Homes (min 1,000 sf), Manufactured Homes Parks, Recreational Vehicle Parks<br><br>On-Street Parking Agreement | Apartments; Drive-Thru Restaurants or Theatre; Surface Parking Lots |
| Lot Size | Min. - 2 ac | Min. - 1 ac<br>Max. - 2 ac | Min. - 5,500 sf<br>Max. - 1 ac | Min. - 5,500 sf (single family, duplex, multi-unit dwelling, apartment)<br>Min. - 3,000 sf (townhome)<br>Min. - 3,000 sf (single mfd. hm.)<br>10-12 du/ac (mfd. home park)<br>16-24 du/ac (RV park) | No minimum lot area<br>Min. frontage: 200 ft |

| Zoning District Name | 6. Neighborhood Commercial (NC) | 7. Downtown Core (DC) | 8. Waterfront (WF) | 9. Business Park (BP) | 10. Industrial |
|---|---|---|---|---|---|
| Character | Neighborhood Conservation | Semi-Urban | Semi-Urban | Suburban | Industrial (I) |
| General Purpose of the District | This district provides for non-strip center neighborhood convenience uses, with a building scale and site design that is compatible and cohesive with the abutting predominant character of the neighborhood. It may also accommodate upper-floor residential and live-work units, as well as multiplexes. | A central gathering place for the community, featuring a mix of highest-density attached residential (townhomes, duplexes, multi-family) and non-residential uses within a walkable, traditional downtown environment. Buildings are positioned close to the street with minimal setbacks, and parking is provided on-street, off-site, or within parking structures. | Properties of this category are located near the east side of the community along the coast and are intended for a walkable mixed use area intended for shopping, entertainment and liviving with a unique character. | This district provides an office type of environment where office, research and technology uses can be taken place, while hidden behind walls and large overhead doors. | Heavy industrial uses, outdoor storage and outdoor operations are within this district and often have more truck traffic than any other zoning district. |
| Permitted Land Uses | Commercial, Neighborhood<br>Home Business<br>Walk in Clinic<br>Indoor Recreation/ Personal Fitness<br>Restaurant (Neighborhood)<br>Service Businesses (dentist, veterinarian, accountant, dry cleaners, laundromat)<br>Shopping (garden shop, hardware store)<br>Farmers Market<br><br>Parks and Open Spaces<br>Public Institutional | Commercial, Semi-Urban<br>General Professional, Medical Office, Office<br>Mixed Use<br>Restaurant (Neighborhood)<br>Daycare<br>Boutique Hotel<br>Commercial Retail, small scale (personal services, shopping)<br><br>Residential, General (missing middle, attached- townhomes, duplexes)<br>Residential, Medium-Density (attached)<br><br>Parks and Open Spaces | Commercial, Semi-Urban<br>Coffee Shop<br>Bakery<br>Restaurant (Neighborhood)<br>Theatre<br>Boutique Hotel, Bed and Breakfast<br>Personal services (salon)<br>Shopping (clothes store, gift shop)<br><br>Residential, General (missing middle, attached- townhomes, duplexes)<br>Residential, High-Density (attached)<br><br>Aquaculture<br>Fisheries<br><br>Parks and Open Spaces | Light Industrial (assembly, warehousing/ storage, distribution)<br>Outdoor Storage<br>Small Engine or Tool Repair Shop (mowers, saws)<br>General Professional<br>Medical Office<br>Office<br>Outdoor Entertainment (amphitheater)<br><br>Aquaculture<br>Fisheies<br><br>Parks and Open Spaces<br>Public Institutional | Large Veterinary Clinic<br>Automobile Washes<br>Commercial Retail (personal services, shopping centers)<br>Fuel Charging<br>Wholesale<br>Nursery or Greenhouse<br>Construction Services<br>Heavy Industry<br>Pawn Shop<br>Recycling Center<br>Self Storage<br>Solid Waste Facility<br>Petrochemical Plants<br>Lumberyard or Equipment<br>Self Storage<br>Warehouse Logistics<br><br>Parks and Open Spaces |
| Conditional Use Permit | Automobile Sales or Maintenance, Drive-Thru, Daycare Center, Event Facility or Dance Hall | None | Structures taller than 33' | None | None |
| Lot Size | No minimum lot area<br>Min. frontage: 50 ft | No minimum | No minimum | No minimum | No minimum |

| Zoning District Name | 1. Rural/ Undeveloped(RU) | 2. Rural Residential (R1) | 3. General Residential (R2) | 4. Multi-Family Residential (R3) |
|---|---|---|---|---|
| Setbacks | Front: 75 ft<br>Rear: 75 ft<br>Interior Side: 30 ft<br>Street Side: 30 ft | Front: 50 ft<br>Rear: 50 ft<br>Interior Side: 30 ft<br>Street Side: 30 ft | Front: 25 ft<br>Rear: 15 ft<br>Interior Side: 5 ft<br>Street Side: 25 ft | Front: 20 ft<br>Rear: 25 ft<br>Interior Side: 10 ft<br>Street Side: 15 ft |
| Accessory Dwelling Units | Detached garages can serve as an accessory building, given the main structure is already built, the secondary structure is less than 50 percent of the primary building's footprint, and do not occupy more than 50 percent of the rear yard. | | | None |
| Requires Planned Development | None | None | None | None |
| Building Height (maximum) | 33 ft | 33 ft | 33 ft | 33 ft |
| Maximum Building Coverage | Building coverage; Max. 30% | Building coverage; Max. 40% | Building coverage; Max. 50% | Building coverage; Max. 70% |
| Parking | None | None | None | Requires a private parking lot or, if needed, a parking agreement with the city to use on-street parking, which also requires a public hearing for the request. |
| Landscaping and Screening | A minimum of ten percent of the total building site area must be devoted to landscaping comprised of native plants. Building site area excludes square footage of building foorprints and/or areas designated as fenced and secured storage. At least 70 percent of the required landscaped area must be located within the street fronting yard. For Multi-Family developments, with the approval of the pre-development committee, the percentage of landscaping to be located in the street fronting yard may be reduced in order to dispurse landscaping throughout the building site. Street trees are required to be planted in street tree lawns and medians (when applicable) for new developments that construct new public streets, or private street easements.<br><br>Parking lots are subject to additional landscaping and screening requirements. | | | |
| Sound, Lighting, Signage | Lighting and sound parameters are provided, but are less strict than in the commercial, mixed use and industrial districts. | | | |

| Zoning District Name | 5. General Commercial (GC) | 6. Neighborhood Commercial (NC) | 7. Downtown Core (DC) | 8. Waterfront (WF) | 9. Business Park (BP) | 10. Industr |
|---|---|---|---|---|---|---|
| Setbacks | Front: 20 ft<br>Rear: 20 ft<br>Interior Side: 10 ft<br>Street Side: 15 ft<br>Res District Boundary: 20 ft | Front: 25 ft<br>Rear: 30 ft<br>Interior Side: 10 ft<br>Street Side: 25 ft | Front: 0 ft<br>Rear: 0 ft<br>Interior Side: 0 ft<br>Street Side: 0 ft | Front: 15 ft<br>Back: 30 ft<br>Sides: 0 ft | Front: 30 ft<br>Rear: 25 ft<br>Interior Side: 10 ft<br>Street Side: 20 ft<br>Residential District Boundary: 50 ft | Front: 30 ft<br>Rear: 40 ft<br>Interior Side: 20 ft<br>Street Side: 25 ft<br>Res District Boundary: 50 ft |
| Accessory Dwelling Units | None | None | None | None | None | None |
| Requires Planned Development | Mixed-use residential and commercial uses (bed and breakfast, live-work multiplex, and combination buildings | None | None | Outdoor entertainment & gathering (amphitheater/ plaza) | Outdoor entertainment & gathering (amphitheater/ plaza) | None |
| Building Height (maximum) | 33 ft | 33 ft | 3-Stories | 3-Stories or 40 ft, whichever is less (including roof equipment) | 33 ft | 33 ft |
| Maximum Building Coverage | Building coverage; Max. 70% | Building coverage; Max. 70% | Building coverage; Max. 90% | Building coverage; Max. 70% | Building coverage; Max. 60% | Building coverage; Max. 50% |
| Parking | Requires a private parking lot or, if needed, a parking agreement with the city to use on-street parking, which also requires a public hearing for the request. | | | | Requires a private parking lot | |
| Landscaping and Screening | A minimum of ten percent of the total building site area must be devoted to landscaping comprised of native plants. Building site area excludes square footage of building foorprints and/or areas designated as fenced and secured storage. At least 70 percent of the required landscaped area must be located within the street fronting yard. For Multi-Family developments, with the approval of the pre-development committee, the percentage of landscaping to be located in the street fronting yard may be reduced in order to dispurse landscaping throughout the building site. Street trees are required to be planted in street tree lawns and medians (when applicable) for new developments that construct new public streets, or private street easements.<br><br>Parking lots are subject to additional landscaping and screening requirements. For drive-thru business, additional screening is required in the rear setback.<br><br>In addition, fences or planting, and setbacks are required for buffering between residential and non-residential/mixed-use properties, non-residential and mixed use properties, and along street and railroad rights of way. Requirements within Business Park (BP) and Industrial (I) are more strict. | | | | | |
| Sound, Lighting, Signage | Signage rules are required for non-residential and mixed use businesses.<br><br>Lighting and sound parameters are more strict in these districts.<br><br>Dark Sky Compliance required. | | | | | |