

COMPREHENSIVE ZONING

ORDINANCE



CITY OF CASTROVILLE, TEXAS

Adopted 1975

Amended 1983

Amended 1986

Amended 1988

Amended 1991

Amended 1997

Amended 2001

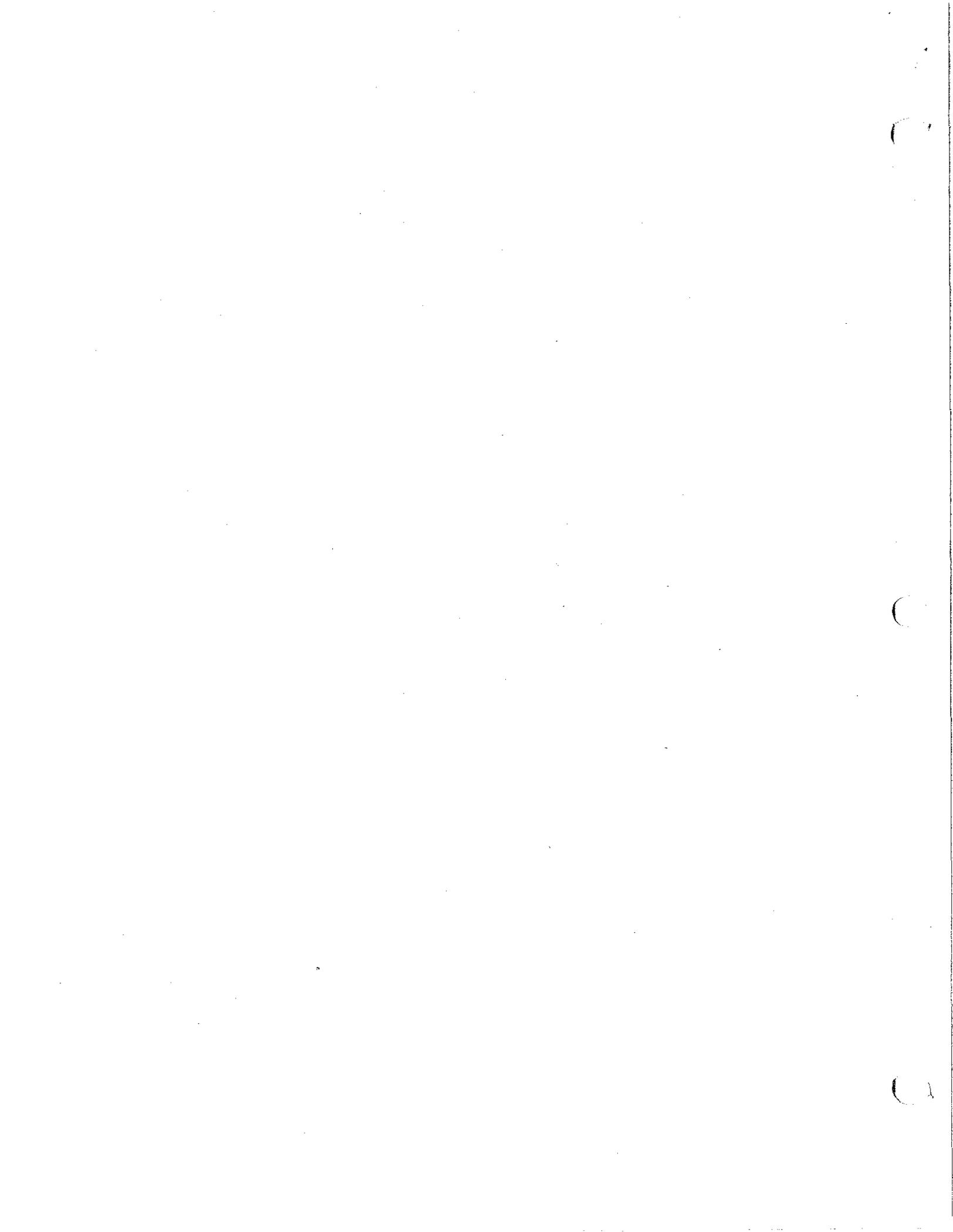
Amended 2002

Amended 2003

Amended 2004

Amended 2005

Amended 2006



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CASTROVILLE, TEXAS

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ORDINANCE NO. 107

AN ORDINANCE REGULATING THE CONSTRUCTION, RECONSTRUCTION, ALTERATION, LOCATION, AND USE OF BUILDINGS, STRUCTURES, LAND AND WATER, FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES; REGULATING THE SIZE OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, THE SIZE AND DIMENSIONS OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS; REGULATING THE DENSITY OF POPULATION, AND, FOR SAID PURPOSES, DIVIDING THE CITY OF CASTROVILLE, AS SHOWN ON THE OFFICIAL ZONING MAP INTO DISTRICTS OF SUCH NUMBER, SHAPE, AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS DESIGNATING THE KINDS OR CLASSES OF TRADES, INDUSTRIES, RESIDENCES, OR OTHER PURPOSES FOR WHICH BUILDINGS OR OTHER STRUCTURES OR PREMISES MAY BE ERECTED, ALTERED, OR USED; TO PROVIDE FOR THE REGULATION OF THESE USES; REPEALING ALL OTHER LAWS AND PARTS OF LAWS IN CONFLICT; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE;

WHEREAS, THE CITY COUNCIL OF THE CITY OF CASTROVILLE DEEMS IT NECESSARY IN ORDER TO LESSEN CONGESTION IN THE STREETS; TO SECURE SAFETY FROM FIRE, PANIC, AND OTHER DANGERS; TO PROMOTE HEALTH AND GENERAL WELFARE; TO PROVIDE ADEQUATE LIGHT AND AIR; TO PREVENT THE OVERCROWDING OF LAND; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO FACILITATE THE ADEQUATE PROVISIONS OF TRANSPORTATION, WATER, SEWAGE, SCHOOLS, PARKS, AND OTHER PUBLIC REQUIREMENTS; TO MAKE AND PROMULGATE SUCH REGULATIONS WITH REASONABLE CONSIDERATION, AMONG OTHER THINGS, TO THE CHARACTER OF THE DISTRICT AND ITS PECULIAR SUITABILITY FOR PARTICULAR USES, AND WITH A VIEW TO CONSERVING THE VALUE OF BUILDINGS AND ENCOURAGING THE MOST APPROPRIATE USE OF LAND THROUGHOUT SAID CITY, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLANNING PROCESS.

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

ARTICLE 1.

GENERAL PROVISIONS

Section 1. Short Title.

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE "COMPREHENSIVE ZONING ORDINANCE" OF THE CITY OF CASTROVILLE:

Section 2. Purpose.

The Zoning Regulations and Districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the City, and for the protection and preservation of places and areas of historical and cultural importance and significance therein. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water,

sewage, schools, parks, and other public requirements. They have been made with reasonable consideration, in order to preserve the character of the City and its unique suitability for particular uses, and with a view to conserving the value of the buildings and encouraging the most appropriate use of the land throughout the City.

Section 3. Ordinances Repealed.

The following ordinances are hereby repealed, to-wit:

(1) Ordinance No. 71, passed and adopted March 30, 1965, and amendments thereto, as well as all other ordinances or parts of ordinances inconsistent herewith, but only to the extent of such inconsistency; provided however, that whenever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance or regulation than are established by the provisions of this Ordinance, the provisions of such other statute, ordinance or regulation shall govern.

Section 4. Adoption of Legislative Grant of Power.

Articles 1011a through 1011j of the Revised Civil Statutes of the State of Texas are hereby adopted, and the provisions of this Ordinance are adopted in the exercise of the power granted to municipalities by such statutes and pursuant to any and all other applicable laws.

Section 5. Validity and Severability.

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

Section 6. Rules of Construction.

(1) Words, phrases, and terms defined herein shall be given the following meaning.

"CITY" shall mean the City of Castroville, "BOARD" shall mean the City Zoning Board of Adjustment of the City of Castroville; "PERSON" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer, or employee of any of them; "SHALL" and "MAY": "Shall" is mandatory; "May" is permissive.

Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the words "DESIGNED FOR" include the meaning "USED FOR"; the word "STRUCTURE" includes the word "BUILDING"; and "BUILDING" the word "STRUCTURE"; the word "LOT" includes the words "PLOT", "SITE", AND "TRACT"; the words "AREA" and "DISTRICTS" may indicate and include the meaning of "ZONE". The word "USED" shall include "ARRANGED", "DESIGNED", "CONSTRUCTED", "ALTERED", "CONVERTED", "RENTED", "LEASED", or "INTENDED TO BE USED". The word "LAND" shall include water surface and land under water.

Section 7. Special Definitions Noted and Related to "Use Regulations".

For the purpose of this Ordinance, certain words and terms in this Ordinance are defined as follows:

(1) ONE-FAMILY DWELLING (DETACHED) - A dwelling designed and constructed for occupancy by one (1) family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract.

(2) ONE-FAMILY DWELLING (ATTACHED) - A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall, which is erected upon a separate lot of record and is designed for occupancy by one (1) family.

(3) TWO-FAMILY DWELLING - A single structure designed and constructed with two living units under a single roof for occupancy by two (2) families.

(4) MULTIPLE-FAMILY DWELLING (APARTMENT) - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

(5) COMMUNITY UNIT DEVELOPMENT - An area of three (3) acres or more (planned as a single integral residential development), which may contain variable types of housing with yard, height and open space standards differing from the district in which it is located, but which observes the overall density standards set forth in such district. Where the overall density standards are proposed to vary from those of the district in which the Community Unit Development is located, the development shall be considered by the Planning Commission and Council in accordance with the provisions of the Ordinance applicable to a Planned Development District.

(6) BOARDING HOUSE OR ROOMING HOUSE - A building other than a hotel, where lodging and meals for three (3) or more persons are served for compensation.

(7) HOTEL OR MOTEL - Any building which is designed to cater to transient occupancy, offering a temporary abiding place to individuals and families. To be classified as a hotel or motel an establishment shall contain individual guest rooms, maintain a registration area, furnish services such as supply of linens, maids and furnishings.

(8) HUD CODE MANUFACTURED HOME, MOBILE HOME AND HUD CODE MANUFACTURED HOME/MOBILE HOME PARK

- a) HUD CODE MANUFACTURED HOME – A HUD Code manufactured home is a single-family house constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards.
- b) MOBILE HOME - A vehicle used, or constructed so as to permit its conveyance upon public streets and/or highways; and being further constructed in such a manner as will permit occupancy (e.g.: dwelling or sleeping purposes for one or more persons); provided further, that this definition shall refer to and include any portable contrivance used or intended to be used for living and sleeping quarters and which is capable of being moved by its own power, or of being towed or transported by another vehicle, regardless of whether such vehicle is dismounted from its wheels or placed on a permanent foundation. For the purpose of this Ordinance, one or more such units, separately towable but designed to be joined into one integral unit shall constitute a mobile home. A mobile home is a factory-built structure that was constructed before June 15, 1976. The City may prohibit mobile homes inside the city limits. These definitions shall not apply to those prefabricated or modular units which are designed so as to be certified as being in compliance with the City's Building Code and the National Electric Code, and which are transported over highways only for the purpose of being permanently located at a construction site.
- c) HUD CODE MANUFACTURED HOME/MOBILE HOME PARK shall mean any premises where one or more HUD Code manufactured homes and/or grand fathered mobile homes are placed for living and sleeping purposes, or where they are connected to any utility, or any premises used or set aside for the pose of supplying to the public space for one or more manufactured homes and/or grand fathered mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment in such manufactured home/mobile home park. These sites must be approved by the City Council and are the only location where HUD Code manufactured housing may be located.

(9) SECONDARY RESIDENTIAL STRUCTURE - For the purposes of this Ordinance, secondary residential structures shall be permitted as a dwelling for accommodating a caretaker or watchman in the I-I District.

(10) ACCESSORY BUILDING - A subordinate building which is detached and used for a purpose customarily incidental to the use of the main structure (e.g.: tool sheds, storage buildings, greenhouses, etc.), but not constituting the same, a separate or secondary principal use.

(11) COMMUNITY CENTER (PRIVATE) - A central social and/or recreational building complex associated with residential development only in planned residential subdivisions.

(12) FARM ACCESSORY BUILDING - A structure, other than a dwelling, on a farm as herein defined, for the housing, protection and/or storage of the usual farm equipment, animals and crops.

(13) SERVANT OR CARETAKER'S QUARTERS - For the purpose of this Ordinance, said quarters shall be within the principal residence occupied or owned by the employer. A secondary dwelling unit is permitted within the I-I District for the purpose of accommodating a night watchman.

(14) HOME OCCUPATIONS - A home occupation is an occupation carried on in the home by a member of the occupant's family, without the employment of more than one additional person, without the use of a sign (other than a permitted name plate) to advertise the occupation, without offering any commodity for sale on the premises and which does not utilize more than twenty-five (25%) percent of the dwelling's gross floor area.

(15) COUNTRY CLUB, PRIVATE - A private recreational club with restricted membership, which provides a golf course and clubhouse, swimming pool or tennis court, or similar recreational facilities, none of which are available to the general public.

(16) DAY NURSERY OR KINDERGARTEN SCHOOL - An establishment licensed by the State of Texas, where six (6) or more children are left for care or training during the day or portion thereof.

(17) FARM, TRUCK GARDEN, ORCHARD OR NURSERY - An area which is used for the growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, goats and sheep, and including the necessary accessory uses for treating and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals. No retail or wholesale activities shall be conducted on the premises, and there shall not be more than one larger animal (e.g.: horse, etc.) or four smaller animals (e.g.: goats, etc.) kept on the property for each increment of 6,500 square feet of land, said increment of land utilized for such purposes to be located no closer than eighty-five (85) feet from the front lot line of the site. No accessory structure utilized for shelter of livestock shall be closer than 100 feet to any dwelling unit located on any other property having proximity.

(18) HOSPITAL (ACUTE CARE) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

(19) HOSPITAL (CHRONIC CARE) - An institution where those persons suffering from illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

(20) INSTITUTIONS OF RELIGIOUS OR PHILANTHROPIC NATURE - Institutions sponsored or operated by organizations established for religious or philanthropic purposes.

(21) RESIDENCE HOME FOR AGED - A home where elderly people are provided with lodging and meals with or without nursing care.

(22) PRIVATE SCHOOL, PRIVATE COLLEGE, OR PRIVATE UNIVERSITY - An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university.

(23) PUBLIC SCHOOL - A school under the sponsorship of a public agency.

(24) TENNIS CLUB - A private recreational club with restricted membership, usually of less area than a Country Club, but including a club house, tennis courts or similar recreational facilities, none of which are available to the general public.

(25) RAILROAD TRACK AND RIGHT-OF-WAY, but not including railroad stations, sidings, team tracks, loading facilities, docks, yards, or maintenance areas.

(26) TELEPHONE EXCHANGE, SWITCHING RELAY AND TRANSMITTING EQUIPMENT, but not including public business facilities, storage or repair facilities.

(27) UTILITY INSTALLATION, PUBLIC OR PRIVATE, NOT LISTED - Any public or private utility facility franchised or approved by the City of Castroville, such as television cable vision or steam distribution or other similar utility not specifically covered by the uses listed in the use schedule.

(28) UTILITY SHOPS OR STORAGE YARDS AND BUILDINGS - An area or building used by public or private utilities for the repair and/or storage of equipment, vehicles or supplies.

(29) AMUSEMENT, COMMERCIAL (OUTDOOR) - Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, amusement park, archery range, and miniature golf course.

(30) AMUSEMENT, COMMERCIAL (INDOOR) - An amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including but not limited to a bowling alley or billiard parlor.

(31) RIDING STABLES - An area of at least three (3) acres which accommodates stables, a caretaker's quarters, and attendant facilities which are normally associated with such a facility, and which may include area devoted to riding trails. Such a facility may be of either a public or private nature.

(32) SEMI-PUBLIC RECREATIONAL ACTIVITY - An area devoted to periodic group functions sponsored by civic, fraternal and/or similar organizations.

(33) WRECKING OR SALVAGE YARDS FOR AUTOS OR PARTS - A tract of land devoted to wrecking and/or salvage operations where automobiles and/or other vehicles are subject to being dismantled, compacted, or similarly processed. All such operations, inclusive of the storage of vehicles, shall be completely enclosed by a wall at least eight (8) feet in height.

(34) STORAGE OF AUTOS - A tract of land devoted to storing operative and/or inoperative automobiles and/or other vehicles, that is enclosed by a wall at least eight (8) feet in height, and which accommodated, on a continuing basis, the temporary storage of such automobiles. In no instance, however, shall wrecking and/or salvage operations be affiliated with the use of the land.

(35) BAKERY, OR CONFECTIONERY SHOP, RETAIL - A place for preparing, baking or selling all products on the premises where prepared.

(36) CLEANING SHOP OR LAUNDRY, LIMITED AREA - A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area.

(37) CLEANING OR LAUNDRY SELF SERVICE SHOP - To be of the customer self-service type and not a commercial laundry or cleaning plant.

(38) PACKAGE STORE - Any enterprise which has as its principal business the sale of alcoholic beverages for off-premises consumption.

(39) APPLIANCE SERVICE AND REPAIR, including radio and television, but not involving the use of equipment which, generate noise, odor or electrical frequencies so as to interfere with the use and enjoyment of adjacent property.

(40) SIGN - An identification in the form of a graphic device which is affixed to the exterior surface of a building or structure or is an integral part thereof and which directs attention to a product, place, activity, person institution or business.

(41) SIGN AREA - The sign area shall be the area of the rectangular enclosures of all parts of the sign other than structural supports.

(42) SIGN, ADVERTISING - Any permanent sign or billboard, other than an accessory owner identification sign which directs attention to a business, commodity, or service, inclusive of pennants, banners, and streamers.

(43) SIGN-OWNER IDENTIFICATION - A sign which pertains only to the use of a premises and which contains information pertaining to the name of the owner occupant, and/or management associated with the use of the property, the kind of business and/or the brand name of the principal commodity sold on the premises, or other information relative to a service or activity involved in the conduct of the business, but not including the names of subsidiary products being sold.

(44) SIGN-FLAT - Any sign which is painted on the outside face of a building, or attached to, and erected parallel to the face of a building, supported by the building and not extending either more than eighteen (18) inches from the face of the building wall or above the roof line of the building to which the sign is affixed.

(44.1) SIGN-NAME PLATE - An accessory sign identifying the name, address and/or activity commensurate with a permitted home occupation.

(45) SIGN-PROJECTING - Any sign, other than flat sign or roof sign, which is attached to a building wall so as to extend over either private or public property. Projection over public property shall be subject to the provisions of Article IV.

(46) TAVERN - Any enterprise which has as its principal business the selling of alcoholic beverages for consumption on the premises.

(47) TRADE OR COMMERCIAL SCHOOL - A school, operated as a business enterprise, teaching vocational and avocational skills, including but not limited to business schools, dancing schools, construction trades schools of automobile mechanics.

(48) MANUFACTURING PROCESSES - Any process which does not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which does not generate noises or vibrations at the boundary of the District which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas and including:

- a. Woodworking and planing mill with dust and noise control
- b. Textile manufacturer with dust and odor control
- c. Ceramic and pottery manufacturer with dust, odor and fume control
- d. Plastic products manufacturer with dust and fume control
- e. Paint, oil, shellac and lacquer manufacturer when hoods and fume destructors are used in the cooking process

- f. Grain processing with hoods, dust and odor controls
- g. Electroplating or battery making with acid, fume and odor controls
- h. Other manufacturing or industrial operations of the type which are in compliance with the conditions hereinafter set forth within Section 9 of this Article.

Section 8. General Definitions.

(1) ACCESSORY USE - A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

(2) ALLEY - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

(3) APARTMENT - A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a dwelling unit by a single family, individual or group of individuals.

(4) AREA OF THE LOT - The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

(5) BASEMENT - A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

(6) BLOCK - Area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

(7) BOARD - The Zoning Board of Adjustment.

(8) BUILDING - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.

(9) BUILDING LINE - A line parallel or approximately parallel to the street line at a specified distance therefrom marking the minimum distance from the street line that a building may be erected.

(10) CELLAR - A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

(11) CERTIFICATE OF OCCUPANCY AND COMPLIANCE - An official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional waiver from the Zoning Regulations and authorizes legal use of the premises for which it is issued.

(12) CITY PLANNING AND ZONING COMMISSION - The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning, specific use approvals, and subdivision plats. The Commission shall also prepare and recommend for the approval of the Council a Comprehensive Plan for the City.

(13) CITY ADMINISTRATOR - Unless otherwise designated by the Council, shall be the Mayor.

(14) CLINIC - A group of offices for one or more physicians, surgeons, or dentists to treat such or injured out-patients who do not remain overnight.

(15) COURT - Usable Open Space, bounded on three or more sides by walls of a building which are designed and used for access of light or air, emergency access purposes, outdoor living, recreation, and/or related amenities. An inner court is an area entirely enclosed by exterior walls of a building. An outer court is an area having one side open to a street, alley, yard, or other permanent open space.

(16) COURT, DEPTH OF - The mean dimension from the exterior building face at the open end of an outer court to the face of the building at the opposite end of such court.

(17) COURT, WIDTH OR LENGTH - In an inner court the average dimension in opposite directions across floor surface of the enclosed space from one opposite wall to the other opposite wall. The width of an inner court shall be interpreted as being the dimension between any two opposite walls and the length of such court shall be the dimension between the other two opposite walls.

(18) DEPTH OF LOT - The mean horizontal distance between the front and rear lot lines.

(19) DISTRICT - A section of the City of Castroville for which the regulations governing the area, height, or use of the land and buildings are uniform.

(20) DWELLING UNIT - A building or portion thereof which is arranged, occupied or intended to be occupied as living quarters and which includes sanitary facilities and facilities for food preparation and sleeping.

(21) FAMILY - Any number of individuals living together as a single housekeeping unit of which not more than two individuals are unrelated by blood, marriage or adoption.

(22) FLOOR AREA - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.

(23) HEIGHT - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to 1) the highest point of the roof's surface if a flat surface, 2) to the deck line of mansard roofs or, 3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

(24) LOT - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved place.

(25) LOT DEPTH AND WIDTH - The mean distance between the front and rear lot lines and the width of a lot at the front building setback line, respectively. (See Paragraph (51) Illustrations)

- (26) LOT LINES - The lines bounding a lot as defined herein.
- (27) LOT OF RECORD - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Medina County or a parcel of land, the deed for which is recorded in the office of the County Clerk of Medina County prior to the adoption of the City's Subdivision Ordinance.
- (28) LOT, REVERSE CORNER - A corner lot which has a rear lot line contiguous with the side lot line of an adjacent lot.
- (29) MAIN BUILDING - The building or buildings on a lot which are occupied by the principal use.
- (30) NONCONFORMING USE - A building, structure or use of land lawfully existing at the time of the effective date of this Ordinance or amendments thereto, and which does not conform to the use regulations of this Ordinance applicable to the district in which it is located.
- (31) OCCUPANCY - The use or intended use of the land or buildings by proprietors or tenants.
- (32) HISTORICAL DISTRICT BOARD - The body established by this Ordinance and appointed by the City Council to administer and guide the preservation, protection, reconstruction and enhancement of places of historic and cultural significance in the City of Castroville.
- (33) OPEN SPACE - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.
- (34) PREMISES - Land together with any buildings or structures occupying it.
- (35) PRIVATE GARAGE - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.
- (36) RESIDENCE - Same as a dwelling; also when used with District, an area of residential regulations.
- (37) STORY - The height between the successive floors of a building as measured from finished floor level to finished floor level, or in the instance of the top floor, from finished floor level to the top of the roof structure.
- (38) STREET - Any thoroughfare, public driveway or cul-de-sac, other than an alley, which has been dedicated or deeded to the public for public use or is an officially approved place by the City Planning and Zoning Commission.
- (39) STREET LINE - A dividing line between a lot, tract, or parcel of land and a contiguous street.
- (40) STRUCTURAL ALTERATIONS - Any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

(41) TRAILER, HOUSE - Same as Mobile Home.

(42) THOROUGHFARE - Same as street.

(43) VARIANCE - A modification of any regulation of the Ordinance other than the USE regulations as set forth by Article II.

(44) YARD - An open space other than a court, which is unobstructed from a point thirty (30) inches above the ground level to the sky, except as provided for by Section 11. of this Article.

(45) YARD, FRONT - An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

(46) YARD, REAR - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

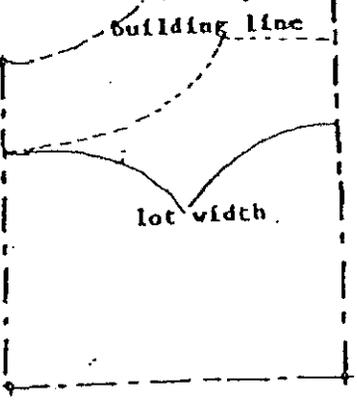
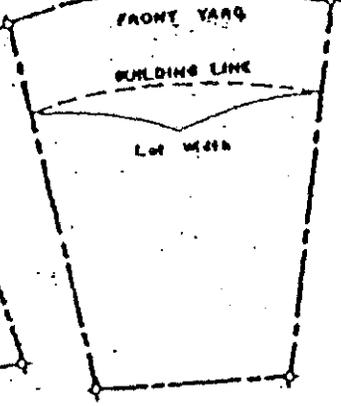
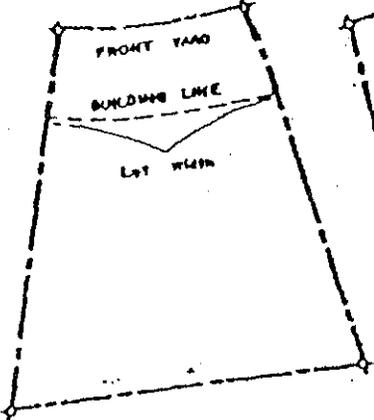
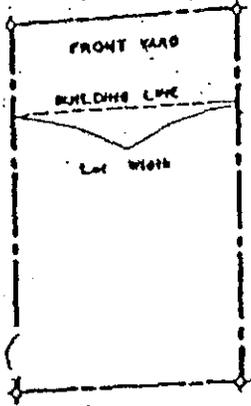
(47) YARD, SIDE - An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

(48) ZONING COMMISSION - Synonymous with the Planning Commission.

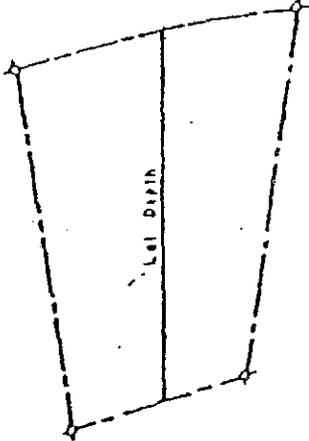
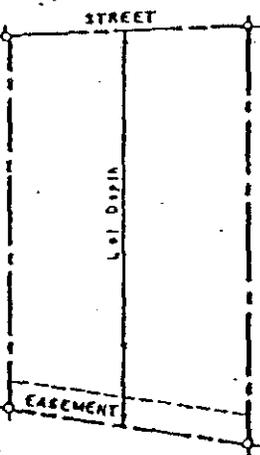
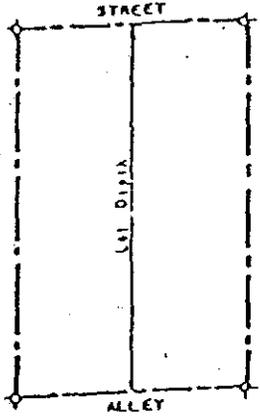
(49) ZONING DISTRICT MAP - The official certified map upon which the boundaries of the various zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

ILLUSTRATIONS

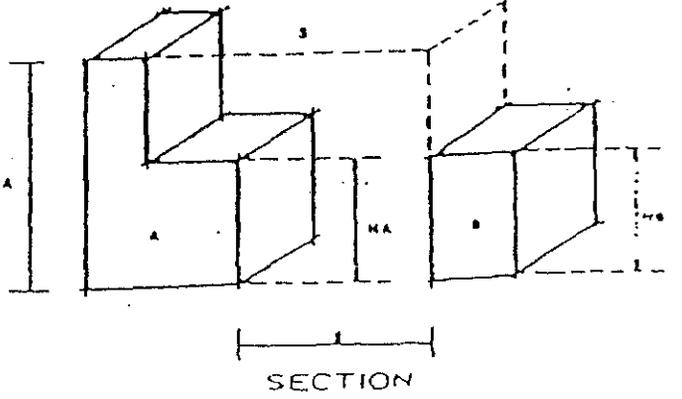
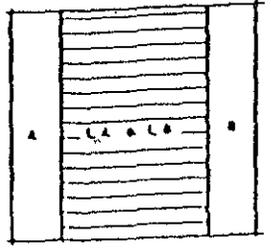
a. Lot Width



b. Lot Depth



c. Formula applicable to Article II, Section 10.



Section 9. Performance Standards.

(1) GENERAL - All uses within the I (Industrial) District shall be constructed, maintained and operated so as not to be injurious or offensive to the occupants of premises having proximity, by reason of the emission or creation of noise, vibration, smoke, dust or other particular matter, toxic or noxious waste materials, odors, fire, and explosive hazard or glare, more specifically, in conformity with the standards set forth by Sections (2) through (7) of this Article.

(2) NOISE - Every USE shall be so operated as to comply with the maximum performance standards governing noise described below. Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled or eliminated so as not to become a nuisance to USES having proximity. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

Octave bands in cycles per second	Along property line abutting a residential district between 8:00 A.M. and 6:00 P.M. * Maximum permitted sound level in decibels	Along property line abutting in industrial or commercial district Maximum permitted sound level in decibels
0—75	72	79
75—150	67	74
150—300	59	66
300—600	52	59
600—1,200	46	53
1,200—2,400	40	47
2,400—4,800	34	41
over 4,800	32	39

* Permissible sound level between 6:00 P.M. and 8:00 A.M. shall be decreased by 3 decibels in each of the octave bands.

(3) VIBRATION - Every USE shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments at any point on the property line of the property on which the USE is located. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 U.S. Bureau of Mines Bulletin No. 442. The equations of said bulletin shall be used to determine the values for enforcement.

(4) SMOKE - Every USE shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringlemann Smoke Chart, provided however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringlemann Chart may be emitted for a period or periods totaling four minutes in any thirty minutes. For the purpose of grading the density of smoke, the Ringlemann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, a part of this Ordinance. All measurements shall be at the point of emission.

(5) DUST AND DIRT - Every USE shall be so operated as to prevent the emission into the air of dust or other solid matter which may cause damage to property and health of persons or animals at or beyond the lot line of the property on which the USE is located.

(6) INDUSTRIAL SEWAGE AND WASTE - Every USE shall be so operated as to prevent the discharge into any stream, lake, or the ground of any waste which will be dangerous or discomforting to persons or animals or which will damage plants or the like beyond the lot line of the property on which the USE is located.

(7) ODORS - Every USE shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the USE is located. There is hereby established as a guide in determining the quantities of offensive odors Table III, Chapter 5, "Air Pollution Abatement Manual" of the Manufacturing Chemists' Association, Inc., Washington, D.C.

Section 10. Group Housing

In instances where more than one Residential building is permitted on a site, all such buildings shall be erected and maintained in conformity with a development plan which shall clearly indicate and depict the following relative to the location and arrangement of such buildings as well as their attendant facilities on the site:

(1) The size, height, spacing, extent of use, access and circulation for vehicles and pedestrians, relationship to easement and/or to streets, parking areas, yards, and open spaces, landscape treatment, and the general relationship of the development to adjacent property.

(2) Dimensions and other pertinent information relative to the arrangement that may be deemed necessary with respect to the supplying of municipal facilities or services and/or maintenance.

In all districts permitting more than one residential building on a site, the minimum horizontal distance(s) between any two buildings (referred to as building A and building B) shall vary according to the length and height of such buildings. Such minimum distances, except as may be provided for elsewhere in this section, shall be the distance required under the following formula:

$$S = \frac{LA \text{ plus } LB \text{ plus } 2(HA \text{ plus } HB)}{6} \text{---where:}$$

6

S= required minimum horizontal distance
Between any wall, or the imaginary extension thereof, of Building A, at any given level, and any wall, or the extension thereof, of Building B, at any given level.

LA= effective length of Building A
The effective length of Building A is the length of that portion of its wall, or walls, from which perpendicular lines drawn in a horizontal plane will intersect any wall of Building B. Where Building A has a curved or irregular surface, such surface shall be enclosed within an imaginary rectangle having its side nearest to Building B parallel with Building B, and all measurements shall be made from said imaginary rectangle.

LB= effective length of Building B

The effective length of Building B is the length of that portion of its wall, or walls, from which perpendicular lines drawn in a horizontal plane will intersect any wall of Building A. Where Building B has a curved or irregular surface, such surface shall be enclosed within an imaginary rectangle having its side nearest to Building A parallel with Building A, and all measurements shall be made to said imaginary rectangle.

HA= height of Building A

The height of Building A is the height above natural grade of any portion of any wall at any given level along the effective length of Building A.

HB= height of Building B

The height of Building B is the height above natural grade of any portion of any wall at any given level along the effective length of Building B.

In all Districts where buildings are erected less than three (3) stories in height, the minimum separating distance shall be ten (10) feet or the distance prescribed by the formula, whichever is greater.

In all Districts where building(s) are erected in excess of three (3) stories in height, and "LA plus LB" is equal to zero, the formula set forth shall not apply, and the minimum separating distance shall be thirty-six (36) feet. However, the minimum required distance between two (2) buildings on a single zoning lot, as derived from the formula set forth in this Section, shall be reduced by 12½% in the event that:

(1) One of the said two (2) buildings has a height of two stories or less, and the other has a height of six stories or more, and

(2) The difference in height between the said two (2) buildings is sixty (60) feet or more.

Section 11. Yard Encroachments.

Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in the zoning ordinance:

(1) Sills or belt courses may project not over twelve inches (12") into a required yard.

(2) Cornices, eaves or gutters may project not over three (3) feet into a required yard, provided that where the yard is less than six (6) feet in width such projection shall not exceed one-half the width of the yard.

(3) Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.

(4) Movable awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than two (2) feet to any lot line or be vertically supported.

(5) Private balconies may project not over five (5) feet into a required rear yard, or not over three (3) feet into a required side yard of a multiple-family dwelling, hotel or motel. For a one-family or two-family residence, unenclosed stairways and balconies may project not over five (5) feet into a required rear yard, or not over two (2) feet six (6) inches into a required side yard.

(6) Meter rooms may project not over five (5) feet into a required rear yard. Meter rooms shall not be located within any required front or side yards.

(7) Unenclosed porches or terraces not over three (3) feet six (6) inches (3'6") above the ground except for railings and roof structure may extend five (5) feet into a required front yard, ten (10) feet into a required rear yard, and three (3) feet into a required side yard, provided that any such structure having a roof shall not extend into any required yard area to a greater distance than one-half (½) the required yard area. The roof structure shall not be structurally supported vertically.

(8) A canopy may extend into a front yard, from the entrance door to the street line of any main building in multiple-family residential, commercial, and industrial districts. Where a sidewalk and curb exist, the canopy may extend to within twenty-four (24) inches of the curb line. Such canopies shall not exceed fifteen (15) feet in width or twelve (12) feet in height or be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the valance of at least six and one-half (6½) feet.

Section 12. Fences, Walls, and Hedges.

Fences, walls, and hedges may be erected, maintained or grown along a lot line on residentially zoned property, or adjacent thereto within required yard areas, to heights not exceeding the following:

(1) Rear yards, except the portions of such yard areas which are within five (5) feet of required side yard areas of adjoining lots - six (6) feet.

(2) Interior side yards, and portions of rear yards which are within five (5) feet of required side yard areas of adjoining lots - four (4) feet.

(3) Front yards and street-side yards - four (4) feet, provided, however, that an amount not in excess of fifty (50) percent of the area of such a yard may be enclosed by a fence, wall or hedge not in excess of six (6) feet in height, provided further, however, that no portion of a fence, wall or hedge that is located within ten (10) feet of a driveway opening may exceed three (3) feet in height unless it is set back at least five (5) feet from the base building line of the street with which the driveway connects.

(4) Where a lot line is adjacent to either non-residentially zoned property or a limited access highway, fences, walls, hedges, or shrubbery may be erected, placed, maintained or grown to a maximum of eight (8) feet in height.

Section 13. Screening Regulations.

(1) In instances where a non-residential use is contiguous to a residential district, a decorative wall or fence of at least six (6) feet in height and not more than eight (8) feet in height shall be erected along all common property lines or within ten (10) feet thereof which differentiate between residential and non-residential districts, subject to the following conditions and provisions:

- a. All such walls or fences shall be of masonry, metal frame, and/or wood construction.
- b. The surface of a wall or fence shall not contain more than four (4) square inches of opening for each increment of one (1) square foot.
- c. The non-residential user will be responsible for the erection of the wall or fence.

Section 14. Accessory Uses and Structures.

The following regulations shall apply:

(1) In all Districts, accessory structures shall not be located in a required front or street side yard area, unless specifically provided for elsewhere by the provisions of this Ordinance.

(2) In residential Districts, all accessory structures (except those Structures specifically excepted and regulated elsewhere by this Ordinance) located in a rear and/or side yard shall be located at least five (5) feet from an interior side or rear lot line and at least fifteen (15) feet from any property line adjacent to a street, and if not attached to a main building, shall be separated by at least ten (10) feet from said main building, or separated by a distance prescribed by Section 10 of this ARTICLE, or whichever is greater. Accessory structures shall not exceed twenty-five (25) feet in height.

(3) In non-residential Districts, all uses and structures (except uses and structures subject to other regulations of this Ordinance), which are not permissible as principal uses or structures, shall be located on the half of an interior lot which is farthest from any street upon which the lot abuts, or shall be erected on the quarter of a corner lot which is farthest from the streets upon which the lot abuts.

(4) Accessory buildings permitted in rear and/or side yards shall not occupy a combined total area of more than thirty-five (35) percent of said required yards, unless otherwise provided for by the provisions of this Ordinance.

(5) Unenclosed swimming pools may be erected to within five (5) feet of any rear or interior lot line and to within fifteen (15) feet of any property line adjacent a front or street side yard area; when erected so as to be not less than five (5) feet from either a front or side property line and are confined within an area enclosed by a decorative masonry or wood wall of at least four (4) feet in height.

(6) In Residential Districts R-A, R-C and H-E; construction of an accessory structure will only be allowed in conjunction with the principal building.

Section 15. Exclusions from Height Limits.

The following regulations shall apply:

(1) HEIGHT LIMITS

- a. Scenery lofts, towers, cupolas, steeples, domes, flag poles, airplane beacons, chimneys, stacks, tanks, and roof structures, used only for ornamental or mechanical purposes, not exceeding ten (10) percent of the roof area, shall be excluded from the height of the building in determining setbacks and lot coverage.
- b. Parapet walls may extend not more than five (5) feet above the allowable height of a building.

Section 16. Municipal and Other Public Uses.

The provisions of this Ordinance are not intended, and shall not be construed, to preclude the use of any property owned by the City, County, State, or Federal Government in any government capacity, function, or purpose, provided, however, that any public use of such governmental units shall be subject to the review and consideration of the City Council.

Section 17. Zoning Districts Established.

The City of Castroville is hereby divided into eleven (11) zoning districts. The use, height and area regulations as set out herein are uniform within each district. The eleven districts established are herein described and shall be known as:

(1) R-A, Single-Family Dwelling District: This district comprises the preponderant portion of the existing housing development in the City of Castroville, and in addition, is considered to be the proper classification for large areas of the undeveloped land remaining in the City either as an interim or permanent zoning. This district is intended to be composed of single-family dwellings together with public schools, churches and public parks and other uses of a similar and compatible nature as permitted by this Ordinance which are essential to create basic neighborhood units. The single-family district is not intended to be subject to major alterations by future amendment except where changed conditions might justify such action, or where minor adjustments in the boundaries of a district may be appropriate in order to realize a reasonable development of the land.

(2) R-C, General Residence District: This district is intended to be applied to areas containing a mixture of single-family, two-family and multiple-family dwellings. Districts are intended to be located near commercial and industrial areas and other types of activity and employment centers where they will serve both the City's housing needs and as transition areas between heavy traffic generators and single-family dwelling districts. The regulations of this Ordinance are designed to protect the residential

character and to prevent the over-crowding of land by providing minimum standards for building spacing, yards, off-street parking and building coverage. The building height permitted in this district shall be a maximum height of thirty (30) feet or two and a half (2 ½) stories.

(3) P-D, Planned Development District: This district is intended to be applied to areas of the City (e.g.: subsequent to the adoption of this Ordinance) where it can be determined that the approval of an overall development plan presented by a petitioner will result in appropriate land use which will be of benefit to the City in terms of compatibility of use, as well as timeliness and orderliness of development, while offering a developer flexibility in terms of regulatory controls applicable to "single purpose development".

(4) H-E, Historical District: This district is intended for application where there exists in the City of Castroville areas and places of cultural and historical importance which are of local, state and national significance. The areas are characterized by the existence of a substantial number of homes, buildings, landmarks and other historic places constructed and established by the founders and early settlers of Castroville, many of which are of log, stone and frame construction in the style commonly referred to as Alsatian, German or Early Texas and Victorian. These buildings and places exist in significant quantity and concentrations within the City and establish a unique historic character which establishes the necessity for historic zoning districts.

(5) C-F, Neighborhood Business District: This district allows retail type uses which are of a convenience nature to residential areas having proximity. The C-F District is intended to be applied at the intersections of major thoroughfares and/or collector streets.

(6) C-G, (Historic) Central Business District: This district is comprised of numerous historic structures and landmarks. This district is subject to the provisions of Article IV, Section Two (2) as to permitted uses and regulatory control. The building height permitted in this district shall be a maximum height of thirty (30) feet or two and a half (2 ½) stories.

(7) C-H, West Commercial District: This district shall begin at the Western City limits of the City and shall run eastwardly the length of Highway 90 to Constantinople street. The northern and southern boundaries of the district are as shown on the Comprehensive Zoning Ordinance Map of the City of Castroville. This district shall permit a wide variety of commercial uses intended to serve the entire community and includes the strip commercial areas which have developed along the major thoroughfares and highway in the City of Castroville. The maximum building height permitted in this area is forty (40) feet or three (3) stories.

(8) C-H, Central Commercial District: This district shall begin with Constantinople street on the west and shall run eastwardly along Highway 90 to the Medina River. The northern and southern boundaries of this district are as shown on the Comprehensive Zoning Ordinance Map of the City of Castroville. This district shall provide a wide variety of commercial uses intended to serve the entire community. The maximum building height permitted in this area is thirty (30) feet or two and a half (2 ½) stories.

(9) C-H, East Commercial District: This district shall begin at the Medina River and shall run eastwardly along Highway 90 and shall end at the eastern City limit. The northern and southern boundaries of this district are as shown on the Comprehensive Zoning Ordinance Map of the City of Castroville. This district shall permit a wide variety of commercial uses intended to serve the entire community and includes the strip commercial areas which have developed along the major thoroughfares and highway in the City of Castroville. The maximum building height permitted in this area is forty (40) feet or three (3) stories.

(10) I-I, Industrial District: By its nature, the district is intended for application in areas where uses of an industrial nature that do not emit noxious odors, noises, dust, smoke and vibrations will be compatible with other districts having proximity.

(11) M-H, Manufactured Home Park: This district is intended to be applied to areas of the City where use of the land is dictated by previous use or previous zoning for Manufactured Home Park, obtained by Gilliam Mobile Home Park and excluding all others, for areas where the establishment of a Manufactured Home Park will provide additional economical housing for the citizens of the community and where such development may be appropriate in order to realize a reasonable development of vacant land within the City.

Section 18. Zoning District Map

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Castroville said Map being a part of this Ordinance as fully as if the same were set forth herein in detail.

(1) Two original, official, and identical copies of the Zoning District Maps are hereby adopted bearing the signature of the Mayor and the attestation of the City Secretary and shall be filed and maintained as follows:

a. One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.

b. One copy shall be filed with the Planning and Zoning Commission and shall be maintained up-to-date by the Commission by posting thereon all changes and subsequent amendments for observation in issuing Building Permits, Certificates of Compliance and Occupancy and enforcing the Zoning Ordinance.

Section 19. Zoning District Boundaries.

The District boundary lines shown on the Zoning District Maps are usually along streets, alleys, property lines or extensions thereof, where uncertainty exists as to the boundaries of districts as shown on the official Zoning Maps, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad right-of-way shall be construed to be the centerline of the right-of-way or, if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.

(5) Boundaries indicated as approximately following the centerlines of streams, creeks, or other bodies of water shall be construed to follow such centerlines.

(6) Boundaries indicated as parallel to or extensions of features indicated in 1 through 5 above shall be so construed. Distances not specifically indicated on the original Zoning Maps shall be determined by the scale of the Map.

(7) Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

Where physical features on the ground are at variance with information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections 1 through 7, the property shall be considered as being temporarily classified a One-Family Dwelling (R-A) District, and the issuance of a building permit shall be based upon the establishment of permanent zoning in accordance with applicable procedures established by law.

Section 20. Temporary Zoning - Annexed Territory.

All territory hereafter annexed to the City of Castroville shall be temporarily classified as R-A, One-Family Dwelling District, until permanent zoning is established by the City Council of the City of Castroville, the procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(I) In an area temporarily classified as R-A, One-Family Dwelling District:

a. No person shall erect, construct or add to any building or structure or cause the same to be done in any newly annexed territory to the City of Castroville without first applying for and obtaining a building permit or certificate of occupancy therefore from the Building Official or the City Council as may be required herein.

b. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the R-A, One-Family Dwelling District, unless and until such territory has been classified in a zoning district other than the R-A, One-Family Dwelling District by the City Council in the manner provided by law, except that a building permit may be issued in accordance with the provisions of (I)c., as follows.

c. An application for a permit for any other use than that specified in paragraph b. above shall be made to the Building Official of the City of Castroville and referred to the City Planning and Zoning Commission for consideration and recommendation to the City Council. The City Planning and Zoning Commission in making its recommendation to the City Council concerning any such permit shall take into consideration the appropriate land use for the area in deference to the Comprehensive Land Use Plan for the City. The City Council, after receiving and reviewing the recommendations of the City Planning and Zoning Commission, may by an affirmative majority vote authorize the issuance of a Building Permit.

Article II.

USE REGULATION DISTRICTS

Section 1. Use of Land and Buildings

LAND AND BUILDINGS IN EACH OF THE FOLLOWING CLASSIFIED DISTRICTS MAY BE USED FOR ANY OF THE FOLLOWING LISTED USES:

LEGEND



Designates use permitted in district indicated.



Designates use prohibited in district indicated.



Indicates use may be approved as "Specific Use" Permit.

Note: Symbols applicable to following Use Schedule Charts.

- * A minimum side yard of 15 feet shall be provided adjacent to public street right-of-way.
- ** Minimum Lot Area of 12,000 square feet for first four (4) dwelling units within a multiple family dwelling and 1,000 square feet of additional lot area for each unit in excess of the first four (4) units.
- *** No maximum height; however, any portion of a building erected on property line.
- **** No required yard area- (setback) where fire wall is erected on property line.

Schedule of Uses	R-A	R-C	H-E	C-F	C-G	C-H	I-I	P-D	M-H
	One-Family Dwelling District	General Residence District	Historical District	Neighborhood Business District	Central Business District	Commercial District	Industrial District	Planned Development District	Mobile Home Parks
PRIMARY RESIDENTIAL USES									
One Family Dwelling Detached (1)							S		
One Family Dwelling Attached (2)									
Two Family Dwelling (3)									
Multiple-Family Dwelling (4)									
Community Unit Development (5)		S		S	S	S		S	
Boarding or Rooming House (6)									
Hotel or Motel (7)							S		
Mobile Home or Mobile Home Park (8)								S	
Secondary Residential Structure (9)									
ACCESSORY AND INCIDENTAL USES.									
Accessory Building (10)									
Community Center (11)	S	S	S						
Farm Accessory Building (12)	S	S	S	S	S	S		S	

(CH-E) (CH-W) (CH-C)

Schedule of Uses	R-A	R-C	H-E	C-F	C-G	C-H	I-I	P-D	M-H
	One-Family Dwelling District	General Residence District	Historical District	Neighborhood Business District	Central Business District	Commercial District	Industrial District	Planned Development District	Mobile Home Parks
PRIMARY RESIDENTIAL USES									
One Family Dwelling Detached (1)							S		
One Family Dwelling Attached (2)									
Two Family Dwelling (3)									
Multiple-Family Dwelling (4)									
Community Unit Development (5)		S		S	S	S		S	
Boarding or Rooming House (6)									
Hotel or Motel (7)							S		
Mobile Home or Mobile Home Park (8)					S	S	S	S	S
Secondary Residential Structure (9)									
ACCESSORY AND INCIDENTAL USES.									
Accessory Building (10)									
Community Center (11)	S	S	S						
Farm Accessory Building (12)	S	S	S	S	S	S		S	

Schedule of Uses	R-A	R-C	H-E	C-F	C-G	C-H	I-I	P-D	M-H
	One-Family Dwelling District	General Residence District	Historical District	Neighborhood Business District	Central Business District	Commercial District	Industrial District	Planned Development District	Mobile Home Parks
Off Street Parking Incidental to Main Use									
Servant or Caretakers Quarters (13)	S	S	S	S	S	S			
Swimming Pool (Private)									
Signs (Subject to Article IV)									
Home Occupation (14)									
INSTITUTIONAL AND SPECIAL SERVICE USES									
Airport, Heliport or Landing Field				S		S		S	
Cemetery or Mausoleum								S	
Church or Rectory	S		S						
Country Club (Private) (15)	S	S	S	S	S	S	S		
Convent or Monastery	S		S					S	
Day Nursery or Kindergarten (16)	S		S						
Fairgrounds or Exhibition Area (Permanent)							S		

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Garden, Orchard or Nursery (17)									
Fraternity or Sorority Lodge or Civic Club									
Home for Alcoholic, Narcotic or Psychiatric Patients								S	
Hospital (General; Acute Care) (18)		S							
Hospital (Chronic Care) (19)									
Institutions of Religious or Philanthropic Nature (20)									
Library or Museum									
Park, Playground or Community Center (Public)									
Public Administration Offices									
Residence Home for Aged (21)		S							
Schools, Private, College or University (22)		S					S		
Schools, Public (23)									
Tennis Club (24)		S					S		

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
UTILITY AND RELATED SERVICE USES									
Electrical Substation	S	S	S						
Electric Power Generating Plant								S	
Fire Station									
Gas Transmission and Metering Station									
Local Utility Distribution Lines									
Radio, Television, Microwave Towers, or Dish Antennas	S	S	S	S	S	S	S	S	
Radio or Television Transmission Station, Commercial	S	S		S	S	S	S	S	
Sewage Pumping Station									
Sewage Treatment Plant (Private)	S	S		S		S			
Railroad Tracks and Right-of-Way (25)	S	S	S	S	S	S	S	S	
Telephone Business Office									
Telephone Exchange Switching Relay and Transmitting Equipment (26)	S	S	S						
Utilities Public or Private Other than Listed (27)	S	S	S						

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Utility, Shops or Storage; Yards and Buildings (28)								S	
Water Treatment Plant (Private)	S	S		S	S	S		S	
Water well, Reservoir Pumping Station or Storage									
RESORT AND RELATED RECREATIONAL USES									
Amusement, Commercial (Outdoor) (29)									
Amusement, Commercial (Indoor) (30)									
Boat Storage and Service Structures									
Bait and Tackle Sales									
Boat Servicing									
Rental of Boats and Fishing Equipment									
Marina (River Oriented)		S		S		S	S		
Provisioning and Recreational Sporting Goods Sales		S							
Souvenir and Sporting Goods Sales		S							

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Concessions, Temporary (28)				S	S	S	S	S	
Camper Park									
Hunting Lodge									
Riding Stables (31)									
Semi-Public Recreational Activity (32)	S	S	S	S	S	S			
AUTOMOBILE RELATED USES									
Auto Laundry (Car Wash)									
Auto Sales and Repair (In Building)									
Auto Sales, New or Used Car Lot (Open)				S					
Auto Painting and Body Shop									
Drag Strip or Commercial Racing						S	S		
Gasoline Service Station									
Go Cart Track						S	S		

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Parking Lot or Structure, Commercial - Auto (33)									
Parking Lot - Truck Storage									
Sale Used Auto Parts, In Building									
Sale New Auto Accessories and Parts, In Building									
Seat Cover or Muffler Installation Shop									
Tire Retreading and Capping									
Wrecking or Salvage Yard for Autos or Parts (33)							S		
Storage of Autos (34)						S			
RETAIL AND RELATED SERVICE USES									
Antique Shop									
Art Supply Store									
Animal Clinic or Pet Hospital (No Outside Pens)								S	
Bank or Savings and Loan Office									

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Book and Stationary Store				Shaded	Shaded	Shaded		Shaded	
Barber and Beauty Shop				Shaded	Shaded	Shaded		Shaded	
Bakery or Confectionery Shop (Retail Sales) (35)				Shaded	Shaded	Shaded		Shaded	
Cafeteria or Restaurant				Shaded	Shaded	Shaded	Shaded	Shaded	
Camera Shop				Shaded	Shaded	Shaded		Shaded	
Cleaning Shop or Laundry (Limited Area) (36)				Shaded	Shaded	Shaded		Shaded	
Cleaning or Laundry Pick-up Station				Shaded		Shaded		Shaded	
Cleaning or Laundry Self Service Shop (37)						Shaded		Shaded	
Clinic, Medical or Dental				Shaded	Shaded	Shaded	Shaded	Shaded	
Drug Store or Pharmacy				Shaded	Shaded	Shaded		Shaded	
Department Store or Discount House					Shaded	Shaded		Shaded	
Grocery Store				Shaded	Shaded	Shaded		Shaded	
Furniture or Appliance Store				Shaded	Shaded	Shaded		Shaded	

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	H Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Florist Shop									
Garden Shop and Plant Sales									
Handcraft and Art Object Sale									
Hardware Store									
Hobby Shop									
Key Shop									
Laboratory Medicine or Dental							S		
Letter or Mimeography Shop									
Medical Appliances Fitting and Sales									
Mortuary							S		
Office, Professional	S	S	S						
General Business									
Optical Shop or Laboratory									

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Package Store (38)							S		
Pawn Shop									
Pet Shop Small Animals Birds or Fish									
Personal Custom Services such as Tailor, Milliner, etc.									
Retail Shops, Apparel, Accessories, Gifts, and Similar Consumer Items									
Repair of Appliances, T.V., Radios and Similar Equipment (39)									
Shoe Repair									
Studio, Music, Drama, Dance									
Studio, Health, Reducing or Similar Service									
Studio, Artist, Photog- rapher, Decorator and Display of Art Objects									
Tavern (46)									
Travel Bureau or Consultant									
Veterinarian, Office (No Animal Hospital)									

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Variety Store									
COMMERCIAL AND RELATED SERVICE USES									
Bakery Wholesale									
Building Material Sales									
Cabinet or Upholstery Shop				S					
Clothing Manufacturing or Similar Light Manufacturing Process									
Cleaning, Dyeing or Laundry Plant Commercial						S			
Contractors Storage or Equipment Yard									
Dance Hall or Night Club					S				
Drive-in Theater									
Heavy Machinery Sales Storage and Repair									
Open Storage and Sale of Furniture Appliance and Machinery						S	S		
Lithographer or Print Shop									

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
Milk Depot, Dairy or Ice Cream Plant									
Maintenance and Repair Service for Buildings									
Laboratory Scientific or Research									
Laboratory, Manufacturing									
Paint Store									
Plumbing Shop									
Railroad or Bus Passenger Station									
Railroad Team Tracks Freight Depot or Docks									
Storage Warehouse									
Trade or Commercial Schools (47)									
Trailer and Mobile Home Sales or Rental						S	S	S	
Transfer Storage and Baggage Terminal									
Veterinarian Hospital or Kennel (Outside Pens)									

Schedule of Uses	R-A One-Family Dwelling District	R-C General Residence District	H-E Historical District	C-F Neighborhood Business District	C-G Central Business District	C-H Commercial District	I-I Industrial District	P-D Planned Development District	M-H Mobile Home Parks
	INDUSTRIAL AND RELATED USES								
Welding or Machine Shop					S				
Wholesale Office, Storage or Sales									
Light Manufacturing Processes (48)						S			

Article III.

HEIGHT, YARD, LOT AREA, LOT WIDTH, AND LOT DEPTH REGULATIONS

Section 1. Table of Requirements

District	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Minimum Lot Area (Square Feet)	Maximum Height (In Feet or Stories)	Minimum Lot Width (Feet)	Minimum Lot Depth (Feet)
R-A	20	10	25	12,000	30 2 1/2 stories	80	115
R-C	20	10	25	12,000 (+) **	30 2 1/2 stories	80	115
P-D	Refer to ARTICLE IV. Section 5.						
H-E	20	10	25	13,911.12	30 2 1/2 stories	83.4	166.8
C-F	20	10	20	6,000**	30 2 1/2 stories	40	100
C-G	0	5	10	4,000**	None	25	100
# C-H WEST	25	5	10	6,000**	40 3 stories	40	100
## C-H CENTRAL	25	5	10	6,000**	30 2 1/2 stories	40	100
### C-H EAST	25	5	10	6,000**	40 3 stories	40	100
I-I	30	10	30	12,000	None	80	150

NOTE: Supplementary yard regulations provided for by Article III, Sec. 2.

begins at the Western City limits of the City and runs eastwardly the length of Highway 90 to Constantinople street; the northern and southern boundaries of this district are as shown on the Comprehensive Zoning Ordinance Map of the City of Castroville.

begins with Constantinople street on the West and runs eastwardly along Highway 90 to the Medina River; the northern and southern boundaries of this district are as shown on the Comprehensive Zoning Ordinance Map of the City of Castroville.

begins at the Medina River and runs eastwardly along Highway 90 and shall end at the eastern City limits; the northern and southern boundaries of this district are as shown on the Comprehensive Zoning Ordinance Map of the City of Castroville.

- * A minimum side yard of 15 feet shall be provided adjacent to public street right-of-way.
- ** Minimum Lot Area of 12,000 square feet for first four (4) dwelling units within a multiple family dwelling and 1,000 square feet of additional lot area for each unit in excess of the first four (4) units.
- *** No maximum height; however, any portion of a building erected in excess of thirty (30) feet in height shall maintain setback in accordance with Article I., Section 8., (51).
- **** No required yard area- (setback) where fire wall is erected on property line.

Section 2. Supplementary Yard Regulations.

(1) Reversed corner lots shall provide a side yard of a depth equal to at least the depth of the front yard required on the lot to the rear of the reversed corner lot.

(2) Special front yard regulations:

- a. Where a building line has been established by plat and such line requires a greater front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such plat.
- b. In all residential districts, an average alignment front yard set-back shall be required of a greater or lesser depth than prescribed by Section 1. above if two or more buildings exist which have set-backs that are irregular, but do not deviate in excess of twenty (20) feet.
- c. Gasoline service station pump islands may not be located nearer than sixteen (16) feet to the front property line.
- d. Carports (only) may be built to the front of the houses on Lots 8 thru 15 in the Karm Addition to extend to a minimum of 12' from the front property line with an overhang not to exceed one-foot.

(3) Special side yard regulations.

- a. A one-family attached dwelling separated from another such dwelling by a fire or party wall need not provide a side yard except that no complex of attached one-family dwellings shall exceed three hundred (300) feet in length. A minimum required side yard of ten (10) feet shall be provided between building complexes.
- b. Accessory buildings shall be allowed within required side yards; provided, however, that no accessory building may be closer than ten (10) feet to any principal building (if not attached to a principal building on the same lot), nor closer than five (5) feet to a common property line. In no instance, however, shall an accessory building be closer than fifteen (15) feet to a side lot line adjacent to street right-of-way.

(4) Special rear yard regulations.

No building or structure shall hereafter be located, erected or altered to have a rear yard smaller than herein required, except that where a lawfully existing building at the effective date of this Ordinance may have a smaller rear yard than herein prescribed, such building shall have the status of a lawful non-conforming structure, and no rear yard existing at the time of passage of this Ordinance shall be reduced below the minimum set forth below.

- a. In districts permitting one-family attached dwellings, no rear yard is required where the rear wall of a dwelling structure is attached to another dwelling structure, provided that all such one-family attached dwelling structures have at least one side of each building exposed to a public street or officially approved place or court, and, provided further, that where interior courts are used for access to light and air, such courts shall provide the minimum required open space provided for by Section 2, (6) of this Article.
- b. No rear yard is specified for non-residential uses located upon a lot which has a rear lot line adjacent to any alley of at least twenty (20) feet in width. A rear yard of five (5) feet shall be required adjacent to alleys of ten (10) feet in width.
- c. Accessory buildings may be located within a required rear yard; however, no accessory building, as permitted herein, shall occupy more than sixty (60) percent of the required rear yard area. Accessory buildings shall be set back five (5) feet from the rear property line unless the rear lot line is contiguous with the line of an alley twenty (20) feet or more in width. In such instance, no rear yard shall be required.

(5) Court standards - The minimum dimension and area of outer or inner courts provided in buildings occupied for residential purposes shall be in accordance with the provisions of Article I., Section 10.

(6) Usable open space - All residential use shall provide and maintain a minimum of two-hundred (200) square feet of USABLE OPEN SPACE for each dwelling unit. For the purpose of this Ordinance, USABLE OPEN SPACE is as follows:

- a. Usable open space shall mean outdoor area, excluding parking and other service areas, which is utilized for livability and/or related amenity, such as outdoor living, associated recreation and/or landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. All usable open space, unless hereinafter excepted shall be accessible to, and usable by, all residents residing on the site. Private court yards or balconies may constitute usable open space for the purpose of calculating up to thirty (30) percent of the total required usable open space. Usable open space may include areas at the ground level and/or on roofs, decks or balconies designed for common use, provided, that such areas meet other criteria as hereinafter set forth. The minimum dimension for usable open space at the ground level shall be ten (10) feet and the minimum area shall be two-hundred (200) square feet. The minimum dimensions for usable open space located on roofs or decks that are available for common use shall be twenty (20) feet and the minimum area shall be four-hundred (400) square feet. At least one-half (½) of the required usable open space shall be at the ground level.

Section 3. Lot Depth Regulations.

(1) Lot Depth regulations that would shorten the minimum lot depth to 115' in the R-A and R-C classifications.

ARTICLE IV.

SPECIAL USE REGULATIONS

Section 1. Specific Use Permits.

(1) The City Council of the City of Castroville, Texas, after public hearing and proper notice to all parties affected, in accordance with the notice procedure prescribed for amending the Zoning Ordinance, and after recommendation by the Planning and Zoning Commission, may authorize the issuance of "Specific Use Permits" for the uses indicated in Article II.

(2) The Planning and Zoning Commission in considering and determining their recommendation, or the City Council in considering any request for a Specific Use Permit, may require from the applicant plans and/or pertinent information concerning the location, function and characteristics of any use proposed. The City Council may, in the interest of assuring compliance with the intent and purposes of this Ordinance, establish conditions of operation with respect to any use for which a permit is authorized.

* (3) The Planning and Zoning Commission shall not take action upon any request for specific use permit for buildings listed on the 1969 Texas Historical Commission Survey until it has received a recommendation from the Historic Review Board or a certificate from the Board showing failure to take action.

* Any provision contained in the Comprehensive Zoning Ordinance that are inconsistent with this amendment are hereby repealed.

Section 2. Special Historical District Regulations.

It is recognized that there exists in the City of Castroville areas and places of cultural and historical importance which are of local, state and national significance. The areas are characterized by the existence of a substantial number of homes, buildings and other historic places constructed and established by the founders and early settlers of Castroville, many of which are of log, stone and frame construction in the style commonly referred to as Alsatian, German or Early Texas and Victorian. These buildings and places exist in significant quantity and concentrations within the City and establish a unique historic character.

In order to enhance and promote the City's economic, cultural and general welfare and to insure harmonious, orderly, compatible and efficient future development, it is deemed essential by the City Council that these qualities relating to the history of Castroville be preserved in order to assure a harmonious visual appearance of benefit to preserving property values and the betterment of the City's economic base with the accommodation of tourist attraction and related cultural enrichment. It is the purpose of this Section to preserve irreplaceable areas and places of historical significance for the benefit and enjoyment of the public and to prevent the harmful effects of uncontrolled development in historical areas and thus to promote and protect the health, safety, comfort, convenience, prosperity and general welfare of the Community by the encouragement and assurance of the most appropriate land use within the City.

(1) The area or areas which are designated as the Historical District are set forth on the Zoning District Map which is made a part of this Ordinance. The boundaries of the Historical District may from time to time be altered in accordance with provisions for amending this Ordinance.

* (2) No buildings listed on the 1969 Texas Historical Commission Survey shall be used for any use not specifically permitted by the provisions of this Ordinance and no building may hereafter be reconstructed, altered, changed, removed or demolished without first obtaining approval of the Building Inspector after review and approval by the Historic Review Board herein provided. The uses permitted for the building shall be the same as those uses permitted in the district classification in which the building is located.

(3) There is hereby created a Board of Review for Historical Districts known as the Historic Review Board, consisting of five (5) members to serve without compensation. The members thereof shall be appointed by the City Council. The members of said board shall include the following: one member of the Planning and Zoning Commission of the City of Castroville and one member of the Board of Adjustment of the City of Castroville. The remainder of said members shall be residents of the City.

(4) It shall be the function of the Board to advise the Building Official concerning all applications for building permits for buildings listed in the 1969 Texas Historical Commission Survey to advise the Zoning and Planning Commission on application for specific use permit in the Historical District as provided in Article IV, Section 1, above and to advise the Board of Adjustment on applications for Variance in the Historical District as provided in Article VII.

(5) Each member of the Board shall be appointed for a term of two years except that of the members of the first Board to be appointed, three shall be appointed to serve for two years and two for one year. The members of the Board shall elect as officers from the voting membership of the Board a Chairman and Vice-Chairman and shall likewise from the voting membership of the Board fill any vacancy in either of such offices. Any vacancy of the Board shall be filled by appointment by the City Council for the remainder of the unexpired term. Any member of the Board who does not attend three consecutive Board meetings without good cause may be replaced for the remainder of his term after being sent proper notice.

(* Any provision contained in the Comprehensive Zoning Ordinance that are inconsistent with this amendment are hereby repealed.)

Such proper notice shall be notice by certified mail sent to the last known address of the member. The City Secretary of the City of Castroville, Texas shall be an ex-officio member of the Board; shall be its secretary, and shall keep all records for the Board. All meetings of the Board shall be at the City Hall.

** Amended 2/97 (6) Meetings of the Historic Review Board shall be called upon the request of the Chairman, or upon written request of three (3) members, or upon notice from the Building Official that a matter requires the consideration of the Board. Upon the filing of an application for a building permit, specific use permit or variance for a building listed in the 1969 Texas Historical Commission Survey, the Board shall take action thereon within thirty (30) days after the date of filing of such application. If action thereon is not taken within thirty (30) days after the date of filing on such application, it shall be deemed to have been recommended for approval and a certificate showing the filing date and the failure to take action on the application within thirty (30) days shall be issued by the Board on demand. A majority of the members shall constitute a quorum and action taken at a meeting shall require the affirmative vote of a majority of the appointive members of the Board present.

(7) Except as prescribed in paragraph 15 below, The Building Official shall not take action upon a permit for any construction, reconstruction, alteration, restoration, change, relocation or demolition of a building listed in the 1969 Texas Historical Commission Survey until he has received a recommendation from the Historic Review Board or certificate from the Board showing failure to take action. Any application for a building permit for a building listed in the 1969 Texas Historical Commission Survey shall in addition to the requirement for a building permit give such information and be accompanied by such plans, description, elevations and color samples as may be required to enable the Historic Review Board to form an intelligent understanding of the proposed work. The Building Official shall notify the committee promptly of each application received and make it and accompanying exhibits available to the committee.

(8) No zoning or building permits shall be required for repainting or repairs that do not in any way alter the exterior appearance of a structure.

(9) Upon receipt of the application for a building permit, specific use permit or variance for buildings listed in the 1969 Texas Historical Commission Survey, the Board shall schedule a meeting to consider the said application. The person applying for the permit shall be advised of the time and place of said meeting and invited to appear to explain his reasons therefore. The board may invite such other persons or groups that desire to attend the meetings.

(10) In determining the recommendation to be presented to the Building Official concerning the issuing of a permit for construction, reconstruction, alteration, restoration, relocation, demolition or razing of any of all or part of any building listed on the 1969 Texas Historical Commission Survey, and in considering its recommendation to the Planning and Zoning Commission of any use change for a building listed on the 1969 Texas Historical Commission Survey, or recommendation to the Board of Adjustment of an application for variance, the Board shall consider the following matters:

- a. The effect of the proposed change upon the general historic cultural and architectural nature of the district.
- b. The appropriateness of exterior architectural features which can be seen from a public street, alley, trail or walkway.
- c. General design of buildings and/or structures, their arrangement, scale, texture of materials used, the rhythm interrelationship between exterior architectural elements and visually perceptible building lines and/or color and the relationship of such factors to similar features of buildings or structures in the district.
- d. The criterion used shall not be the aesthetic appeal of the Board, but rather conformity with c. above as such criterion relates to establishing compatibility in terms of enhancing the general character of the particular historic area involved.
- e. Harmony with adjacent buildings.
- f. The value of the historic district as an area of unique interest and character and its not being impaired.
- g. The Texas Historical Commission Guidelines shall be observed in the improvement of buildings listed in the 1969 Texas Historical Commission Survey, giving credence to (a) through (f) above.

(11) Demolition Procedure. Notwithstanding any other provision of this Article, any property owner who desires to effect complete demolition of any entire structure on his property theretofore classified pursuant to the terms of this Article as, or part of, any historic district shall give written notice to the Building Official of his intention to effect such demolition. One Hundred Twenty (120) days after the giving of such notice, the property owner shall be entitled to receive a permit for such demolition.

(12) If the Historic Review Board decides to recommend against the granting of a permit, it shall indicate to the applicant the changes and plans and specifications, if any, which in the opinion of the Board, would protect the distinctive historic character of the historical district. The committee may approve an application for alteration or for new construction on the condition that changes relating to exterior appearance recommended by it be made in the proposed work. In such case, no permit shall be issued until new exhibits, satisfactory to the committee, have been submitted.

(13) The Board shall have the further responsibility of:

- a. Recommending to the City Council, Planning and Zoning Commission, Building Official and other City Departments, the adoption of policies, the source of funds, and designation of districts that may further the City's preservation effort.
- b. The Board shall provide recommendations to the Commission and City Council concerning the establishment of City policies, approval of projects, and designations of additional historic districts, changes in historic boundaries, designation of historic landmarks and any other project or effort which might affect designated historic landmarks or historic districts.
- c. To enable the Board to fulfill its duties, the Board is further authorized to conduct a historical survey of Castroville to identify areas and buildings of historical and architectural significance.

(14) Two historic districts are initially created with the adoption of the Comprehensive Zoning Ordinance, namely the H-E (Residential) and the C-G (Commercial) Districts.

(15) Application for permits involving building or structures not listed in the 1969 Texas Historical Commission Survey shall be handled by the Building Official in the same manner as those permits outside the Historic District. Only those permits involving buildings or structures listed in the 1969 Texas Historical Commission Survey will be referred to the Historic Review Board.

Section 3. Special Commercial District Regulations.

It is recognized on a local, state and national level that there exist in significant quantity and concentration in the City of Castroville, buildings, landmarks, places and areas of cultural and historical importance.

The City of Castroville hereby recognizes that Castroville is known for its cultural and historical significance, a fact that has contributed to the economic and the general welfare of the community and has made the City a tourist attraction.

As a matter of public policy the City Council aims to preserve, enhance and perpetuate those aspects of the City having historical, cultural and architectural merit.

In order to enhance and promote the City's economic, cultural, educational and general welfare and to insure harmonious, orderly, compatible and efficient future development of the City, it is deemed essential by the City Council that these qualities relating to the history of Castroville be preserved and protected in order to assure a harmonious visual appearance of benefit to providing cultural enrichment for its residents, preserving and enhancing property values, and the City's economic base and encouraging tourism.

(1) It is the purpose of this section to prevent the harmful effects of uncontrolled development in the Commercial Districts of the City and thus to promote and protect the health, safety, comfort, convenience, prosperity and general welfare of the community by the encouragement and assurance of the most appropriate land use within the City of Castroville. More specifically, this article is designed to achieve the following goals:

1. to enhance, preserve historically, architecturally and culturally significant sites, structures, landmarks, and areas which impart and represent distinctive aspects of the City and which serve as visible reminders of the City's history, culture and heritage;
2. to promote the economic prosperity and the welfare of the community by conserving the value of historic structures, landmark buildings, sites, areas and districts and to encourage the most appropriate use of such property within the City;
3. to strengthen civic pride through the enhancement and preservation of the unique design character of the historic districts and the individual areas of the City;
4. to maintain a generally compatible outward appearance of both historic and new or contemporary structures through complimentary scale, form, color, proportion, texture and material;
5. to encourage and establish the highest harmonious urban design; and
6. to create and maintain a Design Review Board which shall administer, maintain and support the Voluntary Architectural Guidelines, as herein provided, for all of the alteration, change, modification, reconstruction and/or rehabilitation of existing buildings and for the construction of new structures, new additions, landscaping and enclosures permitted in these districts.

(2) The areas which are designated as Commercial Districts are: the Historical Central Business District, CG; Commercial District CH West; Commercial District CH Central; and Commercial District CH East. These commercial districts are set forth on the Zoning District Map as amended which is made a part of this ordinance. The boundaries of these Commercial Districts may be from time to time altered in accordance with provisions for amending this ordinance.

(3) Buildings, landmarks and areas listed on the 1969 Texas Historical Commission Survey and subsequent Texas Historical Commission Surveys situated within the Commercial District are subject to review by the Historic Review Board and the building permits for new construction and/or alteration, changes, modification, reconstruction and/or rehabilitation of the buildings are governed by the regulations in Article IV Section 2, Special Historical District Regulations.

(4) Application for building permits involving the alteration, change, modification, reconstruction and/or rehabilitation of existing buildings or structures not listed in the 1969 Texas Historical Commission Survey, subsequent Texas Historic Commission Surveys and/or new construction or the alteration, modification or change of existing non-historic buildings in the Commercial Districts shall be reviewed and handled by the Building Official in the same manner as those permits outside the Commercial Districts, however those permits involving construction or building within the Commercial Districts will be referred to the Design Review Board for it to review and to consider whether to recommend approval, approval with modification, or disapproval of the issuance of a certificate of appropriateness.

(5) The Building Official responsible for the grant or the denial of building permits in the Commercial Districts shall be the Director of Public Works.

(6) The goals and purposes of architectural review are to:

- a. promote orderly and harmonious development of the city;
- b. encourage the attainment of the most desirable use of land and improvements;
- c. enhance the desirability of living conditions in the city; and
- d. promote high aesthetic quality of development in the city.

(7) There is hereby created a review board to be known as the Design Review Board of the Commercial Districts and the Historical Central District of Castroville.

(a) The Design Review Board shall consist of five (5) members to serve without compensation. The members of said Board shall be appointed by the mayor with the approval of the City Council, as follows:

1. Three (3) members shall be individuals who own property or a business or reside in the Commercial Districts C-H East, C-H Central, C-H West and the Historic Central District, CG;
2. One member shall be a member of the Historic Review Board; and
3. One member shall be a member of the Planning and Zoning Commission.

(b) All Board members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Castroville.

(c) Board members shall serve for a term of two (2) years, with the exception that the initial term of two (2) members shall be three (3) years, and three (3) members shall be two (2) years.

(d) The Chairman and Vice Chairman of the Board shall be elected by and from the members of the Design Review Board.

(e) The Design Review Board shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chairman or mayor or on the written request of any two Board members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 551 et seq., Texas Government Code.

(f) A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership.

(g) It shall be the function of the Design Review Board to review the building plans of applicants and advise applicants for a building permit in regard to the use of the Voluntary Design Guidelines which shall be promulgated by its members in order to encourage architecture which compliments, preserves, is sensitive to and harmonious with the historic character of the City.

(h) The Board shall be empowered to:

1. Make recommendations concerning changes or amendments to the number of members, the qualifications of the members and the function of the Board.
2. Prepare rules and procedures as necessary to carry out the business of the Board, which shall be ratified by the City Council.
3. Prepare specific design guidelines for the review of new construction, alterations, modifications, rehabilitation or improvements and improvements to existing buildings in the commercial districts.
4. Approve, or approve with modifications, or disapprove the issuance of a Certificate of Appropriateness for all new construction, or alterations, modifications, rehabilitation or improvements to existing buildings prior to issuance of building permits.
5. The Design Review Board in considering and determining their recommendation whether to approve, approve with modifications or disapprove the issuance of a Certificate of Appropriateness shall require from the applicant for a building permit, a complete set of plans, samples of materials and colors proposed, and other pertinent information change concerning the proposed new construction, or the alteration, modification, rehabilitation, or restoration of an existing building or structure.
6. Maintain written minutes which record all actions taken by the Board and the reasons for taking such actions.
7. Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or marker.
8. Increase public awareness of the value of historic, cultural, and architectural preservation of the Commercial Districts and the Historic Central business District by developing and participating in public education programs.

(8) Notice of hearing by the Architectural Review Board shall be given as required by the Texas Open Meetings Act, Chapter 551 et seq., Texas Government Code and by publication of the board's agenda once in a local newspaper of general circulation not less than ten calendar days prior to the date of the board hearing. Additionally, notice of such hearing shall be mailed at least ten calendar days prior to the date of the board hearing to the applicant, to owners of record of real property within two hundred

(200) feet of the exterior boundary of the property involved as such owners of record are shown in the most recent approved municipal tax roll. Compliance with the procedures set forth in this section shall constitute a good faith effort to provide notice, and the failure of an owner or occupant to receive notice shall not prevent the city from proceeding with the hearing or from taking any action or affect the validity of any action. Typographical and/or publishing errors shall not invalidate any action of the Architectural Review Board. The notice of public hearing shall contain the following:

1. The exact address of the property, if known, or the location of the property, if the exact address is not known, and the nature or purpose of the application.
2. The time, place and purpose of the hearing.
3. A brief description, the content of which shall be at the sole discretion of the city, of the approval sought.
4. Reference to the application on file for particulars.
5. A statement that any interested person or agent thereof may appear and be heard.
6. At the time and place set for hearings, the board shall hear evidence for and against applications. The board may continue hearings from time to time.

(9) All applicants for a building permit and/or any potential applicant seeking information for new construction and/or modification, alterations, rehabilitation or improvements to an existing building shall receive a building permit packet containing the following:

- a. the city's policy statement concerning new construction and/or modification of existing buildings;
- b. voluntary architectural guidelines;
- c. a checklist of the information required by the building official for consideration of the building permit; and
- d. a timetable of the application process, of which the timetable shall provide sufficient time, being a minimum of thirty (30) days, for proper review of the application.

(10) When the application for a building permit is received it shall be the duty of the Building Official to carefully review the application received for completeness. All applications for such building permit shall be accompanied by a complete set of plans including a plat drawn to scale showing the actual dimensions of the lot or lots to be built upon, the size and location of the building to be erected or altered and such as may be necessary to show compliance with the building code and this code. A careful record of such applications and plans shall be kept in the office of the City Building Official together with the complete plans and specifications of approved construction or alteration. The applicant shall be informed in writing within Five (5) working days of any required items which are missing. All missing items shall be provided by the applicant within seven (7) days. Should applicant fail to submit the missing items, the review of applicant's application shall be suspended until such time as all required information is provided by the applicant.

(11) When the application is complete, it will be reviewed by the building officer for code compliance.

(12) If the applicant's plans and specifications are in compliance with the Building Code, the Building Official shall, prior to the approval of a building permit, file the applicant's complete application for such permit with the Architectural Design Review Board together with the following which shall have been provided by the applicant:

- a. Name, address, telephone number of applicant;
- b. Address and photograph of the property and adjacent properties;
- c. A complete set of drawings, including a site plan, a floor plan, a landscape plan, and elevations of the proposed alteration, modification, rehabilitation, or restoration of an existing building, site, or structure; and
- d. Sample of materials and colors to be used.

(13) No building permit shall be issued for such proposed work until the owner has appeared before the Design Review Board.

(14) The Board shall review the application at a regularly scheduled meeting within forty-five (45) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Board shall within thirty (30) days after the review meeting approve, approve with modification or disapprove the issuance of a Certificate of Appropriateness, the plans and specification presented by the applicant.

(15) All decisions of the Board shall be in writing. The Board's decision shall state its findings pertaining to the approval, approval with modification or disapproval of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate departments, e.g., building inspection.

(16) In determining the recommendation to be presented to the Building Official concerning the issuance of a Certificate of Appropriateness the Board shall consider:

- a. the effect of the proposed change upon the general historic cultural and architectural nature of the district;
- b. the appropriateness of the exterior architectural features which can be seen from a public street, alley, trail or walkway;
- c. the general design of the buildings and/or structures in the district, the color, type and texture of the materials of such buildings and the relationship between the mass to openings;
- d. harmony with adjacent buildings;
- e. conformity to the Voluntary Design guidelines promulgated by the Design Review Board;

- f. whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
- g. whether access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
- h. whether natural features are appropriately preserved and integrated with the project;
- i. whether the materials, textures, colors and details of construction and plant material are an appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;
- j. whether the landscape design concept creates a desirable and functional environment;
- k. whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance; and
- l. the criterion used shall not be the aesthetic appeal of the applicants design to the Board but rather conformity with this ordinance insofar as such criterion relates to enhancing or impairing the general character of the particular district.

Section 4. Sign Regulations.

- (1). Permits requiring zoning approval.
 - a. No sign, unless herein excepted, shall be constructed, altered, posted and/or painted, until a permit has been issued by the Building Official.
 - b. Any sign requiring a permit shall be clearly marked with the permit number, and the name of the person or firm placing the sign on the premises.
 - c. All applications for sign permits shall require certification by the applicant as to the number, type, location and size of all existing signs on the premises.
- (2) Exception to permits required.

The following signs are exempted from the provisions of (1) above:

- a. Changing of permitted copy on an existing bulletin board, general advertising poster or paint panel(s), display encasement, marquee, flat sign, projecting sign, detached sign or roof sign, provided no increase occurs with respect to either the area of any such sign or the manner in which it is structurally supported.

- b. ~~Signs~~ ^{Signs} on a truck, bus or passenger vehicle which is used in the normal conduct of business.
- c. Name Plates.
- d. Symbolic flag and award flag of an institution or business (house flag); not to exceed one for each forty (40) feet of street frontage adjacent to an institution or business.
- e. Weather flags, for providing information on weather conditions, one set for each premise.
- f. Real estate signs, temporary in nature, non-illuminated, not exceeding more than six (6) square feet in area, advertising real estate for sale or lease, or announcing contemplated improvements of real estate; one such sign for each street frontage.
- g. Window signs.
- h. Temporary decorative flags and bunting for convention and commemorations.
- i. Warning, security, and/or permitted directional signs.
- j. Political signs which are displayed only during the duration of a campaign. All such signs shall be removed within five (5) days after election. Signs located within residential districts shall not exceed sixteen (16) square feet in area.

(3) Signs extending over public property (projecting signs).

- a. All signs extending over public property shall adhere to the provisions of the Building Code of the City. No structural members of a sign attached to the face of a building shall extend more than six (6) inches into the public street right-of-way without such structural members being effectively concealed in a manner so as to not be viewed from a public street.

(4) Sign devices prohibited.

- a. No sign shall be erected which is of a rotating nature and/or displays either intermittent light and/or light of such intensity that it either constitutes, because of its location, hazardous condition to motorists, or simulates lights customarily associated with those by police, fire, ambulance, or similar emergency vehicles.
- b. No sign shall be erected which uses the words "stop" or "danger" so as to imply the need or requirement for stopping, or the existence of danger, or which is a copy or imitation of an official sign. This provision does not apply when the words are a part of an attraction title for a theater or similar event or purpose.

(5) Prohibited signs.

- a. No sign, unless otherwise provided for by this Ordinance, shall be attached or applied to trees, utility poles, trash receptacles, or any other unapproved supporting structure.
- b. Portable signs in excess of sixteen (16) square feet and 48" in height shall not be allowed for a period of more than 14 days. Those signs on State controlled highways must comply with State Highway Department regulations.

NOTE: Portable signs in place prior to September 16, 1986 will be protected by a three (3) year "Grandfather Clause". These signs are to be replaced with permanent signs within three years and no new portable signs will be allowed.

- c. Signs upon or affixed to portable structures (including trailers), unless such signs are approved by the City Building Official. In no instance, however, shall any such sign be placed upon a premises for a period of time exceeding thirty (30) days.
- d. No outdoor advertising signs as defined in Article I, Section 7, (42) will be allowed.

(6) Detached signs.

- a. In R-A and H-E Districts, detached signs shall not exceed a height of four (4) feet.
- b. In R-C and P-D Districts, detached signs shall not exceed a height of fifteen (15) feet.
- c. In C-H, I-I and P-D Districts, detached signs shall not exceed an overall height of twenty-five (25) feet.

(7) Permitted signs for non-conforming uses.

- a. Non-conforming uses located in R-A and H-E Districts shall be permitted to have one (1) owner-identification sign.
- b. Non-conforming uses located in C-F, C-G, C-H and I-I Districts shall be permitted to have those signs permitted in the District in which said non-conforming use is located.

(8) Signs in the R-A and H-E Districts.

The following signs, non-illuminated, are permitted as accessory uses:

- a. Name plate, one (1) for each street frontage on the premises, not in excess of two (2) square feet in area, to identify the owner or occupant of a dwelling or building.

- b. An owner-identification sign, limited in area to twenty (20) square feet; one (1) for each street frontage on the premises, for the identification of permitted non-residential uses other than permitted home occupations.
- c. Real estate sign, one (1) for each street frontage on the premises, not to exceed six (6) square feet in area.
- d. Construction sign, one (1) for each street frontage on the premises, limited in size to twenty (20) square feet, erected in connection with new construction work in progress.

(9) Signs in the R-C District.

Signs, non-flashing or rotating (owner-identification), are permitted as accessory uses as follows:

- a. A name plate, not to exceed two (2) square feet in area, to identify the owner or occupant of a dwelling or building.
- b. Flat sign, maximum of one (1) facing each street frontage. The sign area shall not exceed twenty (20) square feet, provided, however, that the permitted area of a flat sign may be increased by one (1) percent for each interval of one (1) foot above the first ten (10) feet of building height above grade that the lowest point of the sign is placed upon the building (e.g.: for uses other than home occupations).
- c. Projecting or detached sign, maximum of one (1) oriented to each street frontage. The sign area shall not exceed twenty (20) square feet (e.g.: for all uses other than home occupations).
- d. Two (2) directional signs, with no sign area exceeding two (2) square feet in area.
- e. Real estate sign, one (1) for each street frontage adjacent to the premises, no sign to exceed six (6) square feet in area.
- f. Construction sign, one (1) for each street frontage, limited to a maximum of forty (40) square feet in area, erected in connection with new construction work, and displayed only during the time as the actual construction work is in progress.

(10) Signs in the P-D, C-F, C-G, C-H and I-I Districts.

Signs, illuminated or non-illuminated, are permitted as accessory uses, as follows:

- a. Flat signs, owner-identification, (limited to a maximum of four (4) signs for each business) shall not exceed an aggregate sign area of one and one-half (1½) square feet of area for each one (1) lineal foot of wall fronting on a street when any portion of such sign is placed upon a wall so as to be within fifteen (15) feet above grade. The permitted sign area may be increased by one (1) percent for each foot above the first ten (10) feet of building height above grade that the lowest point of a sign is placed on the building. Flat signs shall be located along the street frontage which

the permitted sign area is based, provided, however, two (2) of the four (4) signs permitted for each street frontage may be located on a side wall of a building that is oriented to a common side lot line.

- b. Projecting signs, owner-identification, shall not exceed one (1) for each street frontage associated with any business, with the maximum sign area not to exceed eighty (80) square feet. Marquee fascia signs shall not exceed fifty (50) percent of the area of the marquee fascia and shall not extend above the marquee to a height in excess of the depth of the marquee fascia.
- c. Detached sign, one (1) for each street frontage associated with any business, (owner-identification), shall not exceed forty (40) square feet of area for each one hundred (100) feet of street frontage or portion thereof. The permitted sign area for detached signs may be cumulative, but no one (1) sign shall exceed one hundred (100) square feet in total area.
- d. In lieu of detached signs as described in paragraph c. above, a group of businesses may have a common, detached, business complex directory type sign not to exceed one hundred (100) square feet in total area on each side.
- e. Signs attached to the bottom of a marquee shall not exceed one (1) for each entrance on the premises, with the maximum sign area limited to six (6) square feet in area.
- f. Non-illuminated paper or painted signs of a permanent nature, when located in show windows shall not exceed in coverage thirty (30) percent of the total glass area of the window in which they are placed.
- g. Roof signs, owner-identification, shall not exceed an aggregate sign area of one and one-half (1½) square feet of area for each one (1) lineal foot of related building wall fronting along a street. The number of roof signs shall not exceed one (1) for each street frontage, nor shall any one sign exceed a maximum area of one hundred and fifty (150) square feet.
- h. Directional signs, giving directions to motorists regarding the location of parking area and access drives, shall not exceed ten (10) feet in area.
- i. Real estate signs, one (1) for each street frontage and not exceeding in area fifty (50) percent of the area permitted for a permanent sign of the same type.
- j. Construction signs, one (1) for each street frontage, and not exceeding seventy-two (72) square feet in area.

(11) Continuation of non-conforming signs.

- a. All legally existing non-conforming signs (except non-conforming advertising signs), which lawfully existed prior to the adoption of this Ordinance, may continue to lawfully exist, although such structures do not conform to the provisions of this Ordinance; provided, however, signs which, by the City's

designated engineer, are determined to be fifty percent (50%) or more structurally deteriorated shall be either removed or altered so as to comply with the regulations of all applicable Ordinances. Signs shall also be either removed or altered so as to comply with the regulations of the Ordinance in instances where a change in use, occupancy, or ownership occurs, which necessitates the altering of the sign in any manner.

Section 5. P-D, Planned Development District.

(1) It is recognized that it may be desirable that certain portions of the City of at least three (3) acres in area be developed in accordance with general land use and site plans prepared and approved in advance of development. To encourage such planned development, administrative and regulatory provisions are provided as follows.

(2) The area or areas which are designated as a Planned Development District are to be set forth on the Zoning District Map, which is made a part of this Ordinance. The boundaries of the Planned Development District may from time to time be altered or adjusted in accordance with the provisions herein provided for amending this Ordinance.

(3) Whenever any area is designated as being within the Planned Development District, the following types of development may be authorized.

- a. Shopping Center
- b. Community Unit Development
- c. Industrial Parks
- d. Medical Center and Hospital
- e. Mobile Home Park
- f. Civic Center and Community Center
- g. Office Center
- h. Recreation Center
1. A combination of any of the developments listed in a. through h.
- j. Off-street parking where screening walls and planting are required for the purpose of protection and as a transition between a lesser and a more restrictive District.

(4) When placing any area within the Planned Development District in accordance with this section, the City Council shall require a general land use plan of the development. Such general land use plan shall be approved and filed as part of this Ordinance. For the purpose of preparing the General Land Use Plan, those land use categories listed in Article II shall be used.

(5) Prior to issuance of any building permit within a Planned Development District, a comprehensive site plan for the section proposed for immediate development in accordance with the general land plan shall be submitted to the Planning and Zoning Commission for approval. Such required site plan shall set forth the requirements for ingress and egress to the property, public or private streets or drives, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a reasonable transition and protection of the adjacent property. Upon approval of said site plan by the Planning and Zoning Commission, the Building Official shall be authorized to issue a building permit.

(6) Site plans submitted under the provisions of 5. above may be altered or amended with approval of the Planning and Zoning Commission, but any change in the General Land Use Plan of the development shall be considered an amendment to this Ordinance.

(7) Each area placed within the Planned Development District under the provisions of this section shall be considered as an amendment to the Ordinance as applicable to the property involved. In approving the Planned Development District, the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned Development District and such conditions shall not be construed as conditions precedent to the approval of the Zoning Amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

Section 6. Special Manufactured Home Regulations.

(1) It shall be unlawful, within the limits of the City of Castroville for any purpose to park any mobile home on any street, alley, or highway, or other public place, or to place a mobile home on any tract of land owned by any person, occupied or unoccupied, within the City except within a properly approved Mobile Home Park.

(2) Emergency or temporary stopping or parking is permitted in any street, alley or highway for no longer than three (3) hours subject to any other and further prohibitions or limitations imposed by traffic and parking regulations or ordinances pertaining to the particular street, alley or highway.

(3) No person shall place or occupy any mobile home or recreational vehicle on any lot or tract of ground not within an approved mobile home park, subdivision, condominium or recreational vehicle park, except the parking of only one unoccupied recreational vehicle in an authorized accessory private garage, building, or rear yard in any district is permitted provided no living quarters shall be maintained, or any business practiced in said recreational vehicle while such vehicle is so parked or stored. Use of such vehicle as permitted under this paragraph, shall be limited to off premises recreation or travel.

(4) In approved mobile home parks, mobile homes shall be placed on lots of at least 3,200 square feet.

Section 7. Building Within Flood Prone Areas.

No structure other than of an accessory nature shall be erected within an area prone to flooding unless it is determined by the Building Official that the finished floor level is at least one (1) foot above the elevation subject to flooding.

Section 8. Dish Antennas.

"DISH ANTENNAS" will be screened from view by shrubbery or privacy fences and the set-back lines as specified in Article III, Sec. 1 shall apply.

Section 9. Business/Residential Transition Areas.

(1) The requirements set forth in this Section "9" shall be in addition to the hearing and notice requirements of Article IV. Section 1 of the Comprehensive Zoning Ordinance, Where Section "1" and this Section "9" conflict, the requirements of Section "9" shall prevail.

(2) Any property owner whose lot is located within a zone for which an "S" is placed on the "Office, Professional" line of the Schedule of Uses may only request this type of specific use permit if the front line of the property abuts a "CH" zoned district. For the purposes of this section (2) "front line" shall mean the narrow end of the lot facing the street, except where a structure has been built, in which case, "front line" shall mean that side of the lot which the main entrance of the structure faces. Any such permit, if granted, shall apply only to the property owner, use, and business named and shall not be transferable. Any attempt to transfer the permit by sale of the property, or other means shall void the permit. In addition to other criteria set forth in the Comprehensive Zoning Ordinance, the City Council may consider the following criteria in granting or denying any such Specific Use permit application or canceling any Specific Use Permit which is already in effect:

- a. Appearance of the main structure must simulate or resemble a residence and must adhere to the building height restrictions of residential districts. Building design shall comply with adopted Highway 90 design guidelines.
- b. Each building shall access the street immediately in front of the abutting Commercial District so that the driveway is facing the commercial zoned property, with the exception of a corner lot which may have an auxiliary driveway to the street not facing the commercial zoned property.
- c. Only one main structure not exceeding 3,000 square feet gross area will be allowed per site, regardless of the number of lots. No more than one storage building will be allowed per site and it must be of the same construction as the main structure and shall not exceed twenty percent (20%) of the main structure square's foot gross area or 400 square feet, whichever is less.
- d. No more than one sign will be permitted per site. Any such sign shall be placed on or near the ground with a maximum height of four (4) feet and a maximum area no larger than twenty-four (24) square feet. Any signs must be constructed of wood or have a wood finish appearance and be complimentary to the exterior of the building. If lighted, the sign must be externally lighted. One sign will be permitted for each individual tenant. Such individual tenant signs must be displayed together in a group on one sign located by the main entrance of the structure and mounted on the wall of the building.
- e. Fencing of six feet in height constructed of stucco, rock or wood material, shall be installed at the rear of each site between the property and the adjoining residential property and shall comply with the requirements of the City's Comprehensive Zoning Ordinance. Said fencing shall be maintained for so long as the specific use permit is in effect.

- f. Parking shall be accented by landscaping to create a residential appearance. Landscaping for each site shall include a minimum of three trees of 1" or greater caliper, in the area between the building line and the street on the front of the lot. Twenty-Five percent (25%) of the front yard landscaping for each site shall be native ground cover, excluding grass, including bushes, shrubs or similar perennial plantings.
- g. There shall be a maximum of twelve parking spaces located on each site per main structure. Not more than six spaces shall be located in front of the structure and not more than six spaces either on side or in the rear of the property. The parking must be shown on a site plan that is a part of the application.
- h. There shall be a maximum of two driveways to each structure. Any driveway shall access the street adjacent to the commercial zoned property, or, if the property is a corner lot, the driveway may access the side street. The maximum number of feet of access driveway width for the total width possible of both driveways shall be thirty-eight feet (38') per site.
- i. A copy of the Specific Use Permit application along with the building plans and site plans (for new construction) and site plan (for existing buildings) shall be submitted to the Design Review Board for review and comment. The Design Review Board shall review the application and provide the City Council with a recommendation on or before the date on which the City Council is set to take action on the application.
- j. City Council may revoke any Specific Use Permit granted under this section, of any property owner who fails to maintain any of these criteria during the term of the Specific Use Permit.

ARTICLE V.

OFF-STREET PARKING AND LOADING

Section 1. Off-Street Parking Required.

(1) Every USE or structure instituted, constructed, erected, or structurally altered after the effective date of this Ordinance shall provide off-street parking facilities in accordance with provisions of this Article for the use of occupants, employees, visitors, and/or patrons.

(2) Off-street parking facilities shall be maintained and continued as long as the principal use is in existence.

(3) Any building or structure may be modernized, altered, or repaired provided there is no increase in floor area or capacity and there is no change of use without providing additional off-street parking facilities.

(4) It shall be unlawful for an owner or operator of any use to discontinue, change, dispense with, or cause the discontinuance or reduction of required parking facilities without providing for alternative parking facilities which meet the requirements of this Article.

Section 2. Location, Extent, Character, and Size.

(1) The off-street parking facilities required by this Article shall be located on the same lot or parcel of land that they are intended to serve, provided however, when the size or shape of the parcel of land, or a non-conforming building or structure presently existing on the parcel of land prevents the establishment of such facilities on the same lot or parcel, they shall be provided on a properly zoned lot or parcel within two-hundred (200) feet of the premises they are to serve. However, before such parking facilities are approved, it shall be required that a recordable instrument be properly executed for the alternate facility, provided further, that said recordable instrument shall be filed, as a matter of record, in the City Secretary's Office, and said lot or parcel shall not be utilized for any subsequent use without parking being supplied on an alternate site.

(2) Each parking space required and provided pursuant to the provisions of this Article shall not be less than ten (10) feet in width and twenty (20) feet in length. Each parking space shall be directly accessible from a street or alley, or from an adequate aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient size to permit convenient maneuvering of cars and each space shall be accessible without driving over or through any other parking space.

(3) OFF-STREET PARKING FACILITIES, INCLUSIVE OF PARKING LOTS, shall be guided by the nature of the properties use, location, and frequency of use.

A. All required or provided off-street parking areas shall be paved and maintained according to city standards and specifications for minor street construction as provided in the City subdivision ordinance as delineated below in surfacing.

1. Surfacing:

- a. All businesses fronting Highway 90 will have surfaced parking. It may be porous concrete, asphalt, seal coat or pavers.
- b. All other commercial properties/business and city owned: Will use porous concrete, asphalt, seal coat, pavers, bricks or grass-crete for primary parking required by this section.
- c. Private residences: May also use crushed limestone in addition to the surfacing for commercial properties/business.
- d. Occasional Use parking: Properties such as Koenig Park, Regional Park, Airport, baseball fields, and any other properties that on occasion must accommodate vehicle parking requirements in excess of those required by the ordinance, may allow parking on grass. Occasional use is defined as no more than two days a week on average over a year.
- e. Historic structures: Whether private residences or commercial, must conform to guidelines of this section unless they are in conflict with specific guidelines of the Historic Landmark Commission. Owners of those structures may apply for exceptions to this ordinance after review and recommendation by the Castroville Landmark Commission.
- f. Exceptions: Owners of residences, businesses or structures that by their nature, location, age or environmental concerns desire a parking surface or marking exemption, may petition the Planning and Zoning Commission with their request (Design Review will also be involved with all commercial establishments).

2. Marking:

- a. All hard surfaced parking will be marked and striped in a manner that clearly depicts parking slots. Handicap parking will be plainly marked. Non-hard surfaced parking will be marked and/or striped on the surface or with signage or other means to indicate parking slots. Handicap parking will be plainly marked. Parking areas used solely for display of vehicles for sale or rental are not required to have delineated parking spaces.

(4) All off-street parking facilities, inclusive of parking lots, required and/or provided, shall be properly drained so as not to cause any nuisance or damage to adjacent property, and any lighting of said facilities shall be designed and arranged so as to prevent glare or excessive light on adjacent property. All such facilities and lots shall be designed for the convenient access and safety for pedestrian and vehicular traffic.

(5) All off-street parking facilities and parking lots containing in excess of four (4) parking spaces, exclusive of parking contained within parking garages or buildings, required and/or provided, shall be properly landscaped. The landscaping as hereinafter required shall include, to the extent necessary to further the intent of this Ordinance, lawn, shrubs, hedges, trees, or other acceptable materials, plant or otherwise, which may be used as a visual medium. All landscaping shall be maintained in good condition so as to present in perpetuity a healthy, neat, and orderly appearance. The following minimum landscaping standards shall be adhered to in the development of any parking facility or parking lot:

- a. The minimum extent of landscaping required shall be on (1) evergreen type tree at each end of all parking rows. In addition to the required number of trees, a minimum of sixty (60) square feet of another form of landscaping (optional with the developer) shall be provided for each increment of three thousand (3,000) square feet of gross lot area devoted to parking, said additional materials to be planted and/or placed either internally upon the site or along its periphery.
- b. The required trees, when planted, shall be at least twelve (12) feet in overall height. The tree shall also have a minimum caliper of three (3) inches in the trunk and a clear trunk of at least five (5) feet.
- c. Water availability shall be provided for maintenance purposes.
- d. All planting areas shall have a minimum area of sixty (60) square feet and a minimum width of three (3) feet.

(6) The landscaping required above shall be located so as to provide reasonable protection against undesirable affects with respect to contiguous property and, in addition, preserve and promulgate the appearance and character of the lot through the screening effects and aesthetic qualities afforded such landscaping.

Section 3. Amount of Off-Street Parking.

The off-street parking required by this Article shall be provided and maintained on the basis of the following minimum requirements:

(1) DWELLING - One-family and Two-family, two (2) parking spaces for each dwelling unit (e.g.: a driveway may constitute one of the required spaces).

(2) MULTIPLE-FAMILY DWELLINGS - Two (2) parking spaces for each dwelling unit up to four (4) dwelling units, plus one and one-quarter (1¼) parking spaces for each dwelling unit in excess of four (4) dwelling units.

(3) ROOMING HOUSES AND TOURIST HOMES - One (1) parking space for each sleeping unit plus one (1) parking space for the owner or operator.

(4) DORMITORIES, SORORITIES, FRATERNITIES - One and one quarter (1¼) parking spaces for each two beds.

(5) HOTELS AND APARTMENTS & MOTELS - One (1) parking space for each dwelling unit and/or rental sleeping unit for the first twenty. One (1) parking space for each two-dwelling units and/or rental sleeping units in excess of twenty.

- a. If, in addition to dwelling units and/or sleeping units, there are other uses located within and operated in conjunction with the hotel or apartment-hotel portion of a building, additional off-street parking spaces shall be provided for such other uses as would be required by this Section if such uses were separated from the hotel or the apartment-hotel to the amount and extent of the percentage figure indicated for each of the following enumerated Uses:

a:1	Retail Stores - Offices - Service Establishments	50%
a:2	Bars, Restaurants, Dining Rooms	50%
a:3	Night Clubs, Cabarets	50%
a:4	Ball-Rooms, Banquet Halls, Meeting Rooms, Auditoriums	50%

(6) MOTELS, TOURIST HOMES, VILLAS, COURTS - One (1) parking space for each dwelling unit or rental sleeping unit.

(7) TRAILER COURTS, CAMPS, OR PARKS - Two (2) parking spaces for each trailer.

(8) HOSPITALS - One (1) parking space for each bed for patients.

(9) SANITARIUMS, CONVALESCENT HOMES, REST HOMES, NURSING HOMES, HOMES FOR THE AGED, ASYLUMS, ORPHANAGES, AND SIMILAR WELFARE INSTITUTIONS - One (1) parking space for each three hundred (300) square feet of gross floor area used for sleeping room purposes.

(10) COMMUNITY CENTERS, LIBRARIES, MUSEUMS, POST OFFICE, CIVIC CLUBS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS - One (1) parking space for every four hundred (400) square feet of gross floor area.

(11) PRIVATE CLUBS, LODGES, FRATERNAL BUILDINGS, UNION BUILDINGS - One (1) parking space for each four hundred (400) square feet of gross floor area.

(12) AUDITORIUMS AND ASSEMBLY HALLS - One (1) parking space for each four (4) seats where seats are fixed and one (1) parking space for each forty (40) square feet of floor area for movable seats.

(13) CONVENTION HALLS, EXHIBITION HALLS, GYMNASIUMS, RACE TRACKS, FRONTONS, SKATING RINKS, STADIUMS, SPORTS ARENAS - One (1) parking space for each five (5) seats provided for patrons' use or one (1) parking space for each two hundred (200) square feet of gross floor area, whichever may be greater.

(14) COMMERCIAL, RECREATIONAL AND AMUSEMENT ESTABLISHMENTS INVOLVING THE ASSEMBLING OF PERSONS AND NOT GOVERNED BY ANY OTHER PROVISIONS - One (1) parking space for every two-hundred (200) square feet of area involved in such use.

- (15) DANCE HALLS - One (1) parking space for each fifty (50) square feet of dance floor area.
- (16) THEATERS - One (1) parking space for each four (4) seats.
- (17) BOWLING ALLEYS - Four (4) parking spaces for each alley.
- (18) CHURCHES - One (1) parking space for each four (4) seats plus one (1) parking space for each fifty (50) square feet of floor area in assembly rooms with movable seats, provided that these requirements shall apply only to auditoriums and chapels and not to rooms used only for Sunday School Classes.
- (19) JUNIOR HIGH, ELEMENTARY SCHOOLS, PUBLIC OR PRIVATE SCHOOLS - One (1) parking space for each classroom plus one-fourth (1/4) of the additional parking spaces otherwise required by this Section for rooms used for public assembly.
- (20) SENIOR HIGH SCHOOLS AND COLLEGES - One (1) parking space for each classroom plus one (1) parking space for each three (3) students or one-half (1/2) of the additional parking spaces otherwise required by this Section for rooms used for public assembly, whichever may be greater.
- (21) BUSINESS, VOCATIONAL AND TRADE SCHOOLS - One (1) parking space for each one-hundred (100) square feet of gross floor area in the building.
- (22) MEDICAL OR DENTAL CLINICS - One (1) parking space for each five-hundred (500) square feet of gross floor area.
- (23) BUSINESS, PROFESSIONAL OR GOVERNMENTAL ADMINISTRATIVE OFFICES - One (1) parking space for each five-hundred (500) square feet of gross area.
- (24) RESTAURANTS, LUNCH COUNTERS, TAVERNS, BEER GARDENS, BARS AND NIGHT CLUBS - One (1) parking space for each two-hundred (200) square feet of floor area in the building.
- (25) RETAIL STORES EXCEPT AS SPECIFIED IN PARAGRAPH 26 - One (1) parking space for each five-hundred (500) square feet of floor area of the building.
- (26) RETAIL STORES FOR FURNITURE, HARDWARE, APPLIANCES AND THE LIKE; PERSONAL SERVICE SHOPS; HOUSEHOLD OR EQUIPMENT REPAIR SHOPS; CLOTHING AND SHOE REPAIR SHOPS; INTERIOR DECORATING SHOPS - One (1) parking space for each five-hundred (500) square feet of floor area in excess of 1,000 square feet.
- (27) WHOLESALE, WAREHOUSE AND STORAGE BUILDINGS - One (1) parking space for each 1,000 square feet of floor area in excess of 3,000 square feet.
- (28) MANUFACTURING AND INDUSTRIAL USES, RESEARCH AND TESTING LABORATORIES, BOTTLING ESTABLISHMENTS, PRINTING AND ENGRAVING SHOPS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS - One (1) parking space for each 1,000 square feet of floor area.

(29) TERMINAL FACILITIES, INCLUDING AIRPORTS, DOCKS, RAILROAD PASSENGER AND FREIGHT TERMINALS, MOTOR BUS DEPOTS, TRUCK TERMINALS, BATHING BEACHES, SWIMMING POOLS AND THE LIKE - Parking spaces in amounts determined by the Board to be reasonably adequate to serve the public as customers, patrons, and visitors.

(30) USES NOT SPECIFICALLY MENTIONED - For any USE not specifically mentioned in this Article, the requirements for off-street parking for a USE which is so mentioned and to which the said USE is similar, shall apply.

(31) FRACTIONAL MEASUREMENTS - When units or measurements determining the number of required off-street parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half (1/2) shall require a full off-street parking space.

(32) MIXED USES - In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use.

(33) MEASUREMENT - For the purpose of this Article, floor areas shall mean the gross floor area inside of the exterior walls. In hospitals, bassinets shall not be counted as beds. In stadiums, sports arenas, churches, and other places of assembly in which occupants utilize benches, pews, or other similar seating facilities, each twenty (20) lineal inches of such seating facilities shall be computed as one seat for the purpose of computing off-street parking requirements.

Section 4. Off-Street Loading.

(1) On the same lot with every structure or use hereafter erected or created there shall be provided and maintained space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of street and alleys by pedestrians and vehicles.

(2) Where any structure is enlarged, or any use is intended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this Article, the full amount of off-street loading space shall be supplied and maintained to comply with this Article.

(3) For the purpose of this Section, an off-street loading space shall be an unenclosed area at least twelve (12) feet wide by forty-five (45) feet long, with a fourteen and one-half (14½) foot vertical clearance. Each off-street loading space shall be accessible from a street or alley and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

(4) Off-street loading space shall be provided and maintained in accordance with the following schedule:

a. For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

a:1	Over 10,000 s.f. but not over 25,000 s.f.	1 space
a:2	Over 25,000 s.f. but not over 60,000 s.f.	2 spaces
a:3	Over 60,000 s.f. but not over 120,000 s.f.	3 spaces
a:4	Over 120,000 s.f. but not over 200,000 s.f.	4 spaces
a:5	Over 200,000 s.f. but not over 290,000 s.f.	5 spaces
a:6	For each additional 90,000 s.f. over 290,000 s.f. or fractions thereof	1 space

b. For each apartment building having over fifty (50) dwelling units, one (1) space.

c. For each auditorium, convention hall, museum, hotel, apartment-hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use, which has an aggregate gross floor area of:

c:1	Over 10,000 s.f. but not over 40,000 s.f.	1 space
c:2	For each additional 60,000 s.f. over 40,000 s.f. or major fraction thereof	1 space

d. For any use not specifically mentioned in this Section, the requirements for off-street parking for a use which is so mentioned and to which the unmentioned use is similar, shall apply.

(5) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

(6) No area or facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this Article for off-street loading facilities.

(7) Nothing in this Section shall prevent the collective, joint, or combined provision of off-street loading facilities for two or more buildings or uses provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged so as to be usable thereby.

(8) The Planning and Zoning Commission may recommend a reduction of off-street loading space to not less than thirty (30) feet and the required minimum vertical clearance to not less than eight (8) feet when the Commission finds that the size, character, and operation of a particular building or use will not normally involve service by motor vehicles requiring the length or vertical clearance of an off-street loading space specified in this Section.

(9) Plans for buildings or uses requiring off-street loading facilities under the provisions of this Article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities

ARTICLE VI.

NON-CONFORMING USES AND STRUCTURES

Section 1. Non-conforming Uses.

(1) The lawful use of land existing on the date of this Ordinance, although such does not conform to the provisions of the Ordinance, may be continued, but if such non-conforming use is discontinued for more than sixty (60) days, any future use of such premises shall be in conformity with the provisions of this Ordinance.

(2) The lawful use of any building existing on the date of the adoption of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance. Such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinances are made therein. A building occupied by a non-conforming use may be reoccupied by the same type of non-conforming use provided the building is not vacant for more than sixty (60) days. A building which is vacant for a period in excess of sixty (60) consecutive days may only be reoccupied by a use permitted for the district in which it is located.

(3) The right of non-conforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgement of the Zoning Board of Adjustment, be reasonably required for the protection of adjacent property.

Section 2. Completion of Existing Buildings.

Nothing contained in this Ordinance shall require any change in the plans, construction or designated use of a building actually under construction for which a building permit was issued on or before the date of the adoption of this Ordinance; and which the entire building was completed within one (1) year from that date.

Section 3. Non-conforming Structures.

(1) CONTINUANCE OF NON-CONFORMING STRUCTURES - Except as hereinafter provided, any non-conforming structure may be occupied and operated and maintained in a state of good repair.

(2) ENLARGEMENT OR EXTENSION OF NON-CONFORMING STRUCTURES - A non-conforming structure in which a nonconforming use is operated shall not be enlarged or extended; a non-conforming 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 of the provisions of this Ordinance established for structures in the district in which the non-conforming structure is located.

(3) RESTORATION OF DAMAGED NON-CONFORMING STRUCTURES - A non-conforming structure damaged in any manner and from any cause whatsoever to the extent of not more than fifty (50) percent of its replacement cost may be restored, provided restoration is begun within one (1) year and completed within two (2) years of the date of the damages.

(4) NON-CONFORMING ADVERTISING SIGNS - Advertising signs which are, at the date of adoption of this Ordinance, non-conforming as to USE shall be removed within five (5) years from the effective date of this Ordinance.

ARTICLE VII.

BOARD OF ADJUSTMENT

Section 1. Creation, Tenure of Members and Organization.

A Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of two years and removable, for cause, by the appointing authority. Vacancies shall be filled by the appointment, by the original appointing authority, of a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause.

The Board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions to the terms of this ordinance, in harmony with its general purpose and intent and in accordance with general or special rules therein contained, for the purpose of rendering full justice and equity to the general public.

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which, shall be filed immediately in the office of the Board and shall be a public record.

The City Secretary of the City of Castroville, Texas shall be an ex-officio member of the Board; shall be its secretary, and shall keep all records for the Board. All meetings of the Board shall be held at the City Hall.

Section 2. Appeals Procedures.

Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer of department of the municipality affected by any decision of the administration officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof. The officer, from whom the appeal is taken, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken, certified to the Board of Adjustment, after the notice of appeal shall have been filed with him that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or by agent.

Written notice of all hearings before the Board of Adjustments and Appeals on an appeal item shall be sent to all owners of real property lying within two hundred feet (200') of the property on which the appeal is requested. Such notice shall be given not less than (10) days before the date set for hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the City's most recent tax roll.

Section 3. Powers.

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination, made by an administrative official in the enforcement of this ordinance.

(2) To authorize, upon appeal in special cases, such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to such special conditions, the literal enforcement of the provisions of the ordinance shall be substantially preserved.

a. The Board of Adjustment shall not grant a Variance from the provisions or requirements of this ordinance unless it finds that the following facts and conditions exist:

a:1 That a variance is a means of relief which is available only when some peculiar circumstance as to the size or shape of the parcel of land (and sometimes its location) is such that the literal application of the provisions of the Ordinance would impair the owner's rights to some reasonable use of the property. A variance shall not be granted unless, in the first place, there are such peculiar circumstances.

a:2 That the circumstances which cause the hardship must be peculiar to the property in question, or to such a small number of properties that they clearly constitute marked exceptions to the property in the neighborhood. If the circumstances cited as a basis for applying for the variance are common to the property in the neighborhood, the variance shall not be granted.

a:3 That after establishing the peculiar circumstance applying to the property in question, it shall be determined that the variance is required in order to preserve a substantial property right of the petitioner. It is of no moment whatever that the denial of the variance might deny to the property owner some opportunity to use his property in a more profitable way or to sell it at a greater profit than is possible under the terms of the Ordinance. The owner is entitled only to a reasonable use of his property.

a:4 That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of this Ordinance.

a:5 That the regulations to which the variance is sought shall be modified as little as possible so that the substantial intent and purpose of the regulations shall be preserved. The granting of the variance should be made subject to such conditions as will constitute to this end.

- a:6 That the variance will not result in substantial detriment to adjacent property nor the surrounding neighborhood, and will not be materially detrimental to the public welfare.
- a:7 The Board shall carefully distinguish between a use change and a variance. A use change shall be subject to the provisions of the Ordinance applicable to a change in Zoning District Classification.
- b. The grant of a variance by the Board shall be by resolution. The granting of a variance shall not be by an ordinance amending the Comprehensive Zoning Ordinance.
- c. In connection with any recommendation by the Board for the granting of a variance, the Board shall include any conditions, requirements or limitations to be attached to the variance, which the Board may find to be necessary and desirable to protect adjacent properties and the surrounding neighborhood, and to carry out the purposes and objectives of this Ordinance.
- *d The Board of Adjustment shall not take action upon an application for variance for any property located in a Historical District until it has referred the request to the Historic Review Board and received recommendation or a certificate from the Board showing failure to take action.

(3) In exercising its powers, the Board may, in conformity with the provisions of ARTICLE 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken; said decision of the Board is to be consistent with the provisions of (2) above relating to the exercise of its powers.

(4) The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.

(5) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, any officer, or department of the Municipality, may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision of the Office of the Board and not thereafter.

* Any provision contained in the Comprehensive Zoning Ordinance that are inconsistent with this amendment are hereby repealed.

ARTICLE VIII

AMENDMENTS TO ORDINANCE

Section 1. Petition for Changes and Amendments.

Any person or corporation or group of persons having a proprietary interest in any property, may petition the City Council for a change or amendment to the provisions of this Ordinance or the City Planning and Zoning Commission may, on its own motion, initiate proposals for changes and amendments.

Section 2. Filing Petition and Fee.

Each and every petition to the City Council as provided in this Section shall be filed with the City Secretary prior to being presented to the City Council, and shall be accompanied by a fee of Seventy-five (\$75.00) Dollars, payable to the City of Castroville, Texas, no part of which shall be returnable regardless of the action taken on the petition.

Section 3. Changes and Amendments by the City.

The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement or change, the City Council shall submit the same to the City Planning and Zoning Commission for its recommendation and report.

Section 4. Public Hearing by City Planning and Zoning Commission.

The City Planning and Zoning Commission shall hold a public hearing on any application for amendment, supplement or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the City Planning and Zoning Commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the City's most recent tax roll.

Section 5. Public Hearing by City Council.

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. At least fifteen (15) days notice of the time and place of such hearing shall be published in the official newspaper of the City of Castroville.

Section 6. Amendment Under Protest.

If such proposed amendment, supplement or change has been denied by the City Planning and Zoning Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20%) percent or more, either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two-hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a two-thirds (2/3) vote of the members of the City Council of the City of Castroville.

ARTICLE IX

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

Section 1. Requirements.

(1) No building hereafter erected, converted, or structurally altered shall be used, occupied, or changed in use and no land may be used until a Certificate of Occupancy and Compliance shall have been issued by the Building Official stating that the building or proposed use of land or building complies with the provisions of this Ordinance.

(2) A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a building permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Ordinance.

(3) A Certificate of Occupancy and Compliance shall state that the building or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the City Secretary, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

ARTICLE X.

INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be a minimum requirement for the promotion of the health, safety, morals, and general welfare of the community. It is not intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or agreements between parties, provided however, that where the regulations of this Ordinance are more restrictive than regulations on the same point, as contained in any other Law or Ordinance, or restrictions by deed or subdivision in "R" (Residential) Districts, the provisions of this Ordinance shall govern.

ARTICLE XI.

VIOLATIONS AND PENALTIES

Any person, firm, or corporation, or anyone acting in behalf thereof, who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction, be punished by a fine not exceeding two-hundred dollars (\$200.00).

Each day that violation of this Ordinance is continued or permitted to exist without compliance, shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

ARTICLE XII.

ENACTMENT

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS PASSED BY THE COUNCIL OF THE CITY OF CASTROVILLE, TEXAS, AT ITS MEETING OF JUNE 17, 1975.

EFFECTIVE THE 17th DAY OF JUNE, 1975.

/S/ Ernest W. Speed
Ernest W. Speed
Mayor

/S/ Claudia Jungman
Claudia Jungman
City Secretary

APPROVED AS TO FORM AND LEGALITY:

/S/ Michael Hodge
Michael Hodge
City Attorney

AMENDED BY CITY COUNCIL ON THE 23RD DAY OF SEPTEMBER, 1986.

AMENDED BY CITY COUNCIL ON THE 13TH DAY OF APRIL, 1988.

AMENDED BY CITY COUNCIL ON THE 12TH DAY OF NOVEMBER, 1991.

AMENDED BY CITY COUNCIL ON THE 25TH DAY OF FEBRUARY, 1997.

AMENDED BY CITY COUNCIL ON THE 26TH DAY OF NOVEMBER, 2001. *SR-3*

AMENDED BY CITY COUNCIL ON THE 10th DAY OF DECEMBER, 2001.

AMENDED BY CITY COUNCIL ON THE 7th DAY OF OCTOBER, 2002.

AMENDED BY CITY COUNCIL ON THE 28TH DAY OF JULY, 2003

AMENDED BY CITY COUNCIL ON THE 23RD DAY OF AUGUST, 2004

AMENDED BY CITY COUNCIL ON THE 24th DAY OF , JANUARY 2005

AMENDED BY CITY COUNCIL ON THE 14TH DAY OF , MARCH 2005

AMENDED BY CITY COUNCIL ON THE 9TH DAY OF , MAY 2005

AMENDED BY CITY COUNCIL ON THE 13TH DAY OF , MARCH 2006