

ARTICLE 15
GENERAL PROVISIONS

Sec. 15-1. SCOPE

Provisions set forth in this Article apply to the entire corporate area of the City of Big Sandy Texas, and all zoning districts therein.

Sec. 15-2. ACCESS

1. Use of Residentially zoned property for access.

No residentially zoned land shall be used for driveway, walkway, or access purposes to any land which is non-residentially zoned or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the time of adoption of this Ordinance which does not abut a public street.

2. Access to commercial uses.

Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercially zoned property; provided, however, access may be permitted from any major collector or major thoroughfare and provided further, that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this Ordinance.

3. Facing of commercial uses.

Commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial

zone, and shall not face residential zones which may front on an intersecting or rear street adjacent to such commercial or industrial zone, except where property has been previously zoned commercial or industrial.

Sec. 15-3. AUTHORITY TO ENTER UPON PRIVATE PROPERTY

The enforcing official may in the performance of his functions and duties under the provisions of this Ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Ordinance.

Sec. 15-4. BOUNDARIES WHEN PUBLIC PROPERTY ABANDONED

1. For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership lines as determined by virtue of such abandonment.
2. For any public property other than streets or alleys, the regulations applicable to the zoning classifications which abut the abandoned property for the greatest number of lineal feet shall apply to the entire property. For purposes of this subsection, property separated by an intersecting street shall be deemed to abut said abandoned property along the centerline of such street right-of-way.

Sec. 15-5. EXCEPTION TO HEIGHT LIMITS

Church spires, chimneys, water, fire, radio and television towers, smoke stacks, flag poles, monuments and similar structures and their necessary mechanical appurtenance may be erected above the height limits herein established; however, the heights of these structures or appurtenance thereto shall not exceed the height limitations within any airport flight approach zone.

Sec. 15-6. FLOOD HAZARD AREAS

1. Flood hazard areas shall include all areas subject to inundation by flood waters of the one hundred (100) year frequency as delineated by the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map, as the case may be, issued by or on behalf of the Federal Insurance Administration, and approved by the Planning and Zoning Commission and City Council.
2. Development and/or use of any areas subject to inundation according to 1 above shall comply with the regulations and requirements of the zoning district where such is located and the Flood Hazard Prevention Ordinance of the City of Big Sandy.

Sec. 15-7. HOME OCCUPATIONS

1. Home occupations shall include any professional and personal services meeting the standards and criteria stated below, but shall not include activities at the premises involving retail and wholesale sales and services, automotive or similar repair

businesses, automotive body repair businesses or other such similar businesses.

2. Persons desiring a permit for a home occupation shall make application for same to the Building Inspector. The Building Inspector shall determine whether the home occupation is clearly incidental and subordinate to the dwelling unit. If such is the case, a permit for same shall be issued by the Building Inspector. Once said home occupation permit is issued to an applicant, it cannot be transferred to a second applicant through the sale, leasing, or rental of the premises on which said home occupation is located or in any other manner. Such application for a permit shall contain such information as the Building Inspector may require, but, in any event, shall include the following:

- a. Name of applicant;
- b. Location of residence where the home occupation will be conducted;
- c. Total floor area of the residence;
- d. Area of room or rooms to be utilized in the conduct of the home occupation;
- e. A sketch with dimension showing the floor plan and the area to be utilized for the conduct of the home occupation; and
- f. The exact nature of the home occupation.

3. Any person may seek revocation of a home occupation permit by making application therefor to the Building Inspector, who shall cause an investigation to be made to determine whether the permit

holder is conducting said home occupation in a lawful manner as prescribed by this section. In the event that the Building Inspector determines that the permit holder is in violation of the provisions of this section, said permit shall be immediately revoked by the Building Inspector. The decision of the Building Inspector shall be subject to appeal to the Board of Adjustment.

4. All home occupations shall comply with the following standards and criteria before permits can be issued:

- a. The home occupation shall be conducted only within the principal building;
- b. No more than one (1) additional person other than the residents residing on the premises shall be employed or engaged in said home occupation at the premises;
- c. There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one (1) square foot in area, nonilluminated, mounted flat against the wall of the principal building;
- d. No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, that in no event shall such home occupation occupy more than five hundred (500) square feet;

- e. No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere;
- f. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located anywhere on the premises which might prove hazardous to the public's welfare. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage off the premises;
- g. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;
- h. No more than one (1) automobile or truck whose size shall not be larger than a stock one (1) ton panel or pick-up truck used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties.

Sec. 15-8. LIVING UNITS ZONES OTHER THAN RESIDENTIAL

Dwelling units shall not be permitted in any commercial or industrial districts except as otherwise provided for in this Ordinance.

Sec. 15-9. MINIMUM PROPERTY FRONTAGE

1. In all districts, no building or structure except as hereinafter provided shall be erected on a lot or parcel of land which does not abut a public street for the required minimum lot width of the district where such is located. However, a residential dwelling may be erected on a lot or parcel of land which abuts at least one (1) public or private street for at least fifty (50) feet, except that a minimum street abutment distance of at least twenty-five (25) feet, may apply to properties of an irregular shape bordering curving streets or cul-de-sacs provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.
2. Any building or structure existing on a lot or parcel of land in violation of the preceding paragraph prior to the effective date of this Section may be modified, enlarged, or extended; provided said modification, enlargement, or extension shall not be closer to any property line than the required side yard area applicable to the district within which such building or structure is located.

Sec. 15-10. NONCONFORMING USES

1. General

Any lawful use of land or a building existing at the date of passage of this Ordinance and located in a district in which it is not permitted under this Ordinance, is hereby declared a nonconforming use, and not in violation of these regulations

provided. However, such nonconforming use shall be subject to the regulations in this Article.

2. Certificate of Occupancy

- a. The owner of a nonconforming building or use shall certify by affidavit to the Building Inspector that his building or use was made nonconforming by the passage of this Ordinance.
- b. On acceptance of the affidavit, the Building Inspector shall issue a Certificate of Occupancy for the nonconforming use or building. Such certificate shall designate the location, nature and extent of such nonconforming use and any additional data necessary for issuance of said certificate.
- c. If, upon review of the affidavit, any illegally established violation of previous or existing ordinances or codes is found, the Building Inspector shall not issue said certificate of occupancy and shall declare such use to be in violation of this Ordinance and shall act accordingly.
- d. Any use not in conformance with this Ordinance and on which no Certificate of Occupancy has been issued shall be presumed to be in violation of these zoning regulations and shall be treated accordingly.

3. Continuation of nonconforming use of land.

Any use of land in legal existence prior to passage of this Ordinance may continue as to its specific use at the time of passage. This shall not, however, limit any other authority of the City in controlling or abating nuisances, hazards, or infringement on public well-being.

4. Change of nonconforming use

a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the Board of Adjustment such new use:

- 1) will not extend the life of a nonconforming use;
- 2) will reduce traffic, sound, odor, smoke, or number of employees;
- 3) will not include structural alteration or expansion;
- 4) will improve the character and value of surrounding property.

Such change in use may be permitted only following formal application for change with the Board of Adjustment. Where proper findings are made, the Board of Adjustment may direct the Building Inspector to issue the necessary permits.

b. Whenever a nonconforming use has been changed to a conforming use, it shall not revert to a nonconforming use.

5. Restoration of nonconforming buildings

a. Nonconforming buildings may be restored only if destruction caused by fire, explosion, or act of God is fifty (50) percent or less of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the City.)

b. Any building whose destruction exceeds ten (10) percent but less than fifty (50) percent of its prior structural valuation, must apply for a building permit for

reconstruction within six (6) months and commence reconstruction within twelve (12) months of the date of the described destruction.

c. In lieu of such reconstruction, the nonconforming use shall be considered abandoned, and such building shall be permitted to be considered abandoned, and such building shall be permitted to be reconstructed as a permitted use only.

d. A mobile home that is utilized as a principal single-family residence and classified as a nonconforming building and/or use who's destruction of any percentage was caused by fire, explosion, or act of GOD may replace said mobile home with another of similar design. However, if said mobile home is abandoned or the use of the land where said mobile home was located has been discontinued for a period of six (6) months, said building and/or use shall conform to the provisions of this Ordinance.

6. Discontinuance or abandonment of nonconforming use.

Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of this Ordinance.

Sec. 15-11. OFF-STREET PARKING AND LOADING REQUIREMENTS

1. Rules for computing number of parking spaces.

In computing the number of parking spaces required for each of the uses herein described, the following rules shall govern;

- a. "Floor Area" shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- d. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- e. In the case of the mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

2. Parking requirements based on use.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as

provided in Sub-Section 1), off street parking spaces in accordance with the following requirements:

a. Residential use requirements:

- 1) Single family dwellings: Two (2) parking spaces per dwelling unit.
- 2) Multiple family dwellings: Two (2) parking spaces per dwelling unit.
- 3) Mobile homes: Two (2) parking spaces per dwelling units.

b. Non-residential use requirement:

1. Barber and beauty shops: Two (2) parking spaces per barber or beauty chair.
2. Bowling alley: Five (5) parking spaces for each alley.
3. Business or professional office, studio, or bank: Three (3) parking spaces plus one (1) additional parking space for two hundred (200) square feet of floor area over five hundred (500).
4. Child day care center: One (1) storage space for loading and unloading children per every three (3) children based on the center's child capacity plus one (1) parking space for every employee.
5. Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
6. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an

auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

7. Dance hall, assembly or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used therefor.
8. Drive-in banks: Eight (8) storage spaces per every teller window designed to serve drive-in patrons to be provided in the approach lane to each drive-in window or in a common reservoir storage area; provided it does not interfere with other required off street parking plus one parking space per every three (3) employees.
9. Drive-in cleaners and other similar drive-in facilities not herein specified: Three (3) storage spaces for every drive-in window designed to serve drive-in patrons to be provided in the approach lane to each service window or in a common reservoir storage area; provided it does not interfere with other off-street parking plus one (1) parking space per every (3) employees.
10. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces plus one additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).

11. Gasoline service station: Two (2) parking spaces per each service stall, (a service stall being an area for vehicles maintenance not including washing stalls or areas for pumping gasoline) plus two (2) spaces for employees.
12. Hospital: Four (4) parking spaces plus one additional parking space for each four (4) beds.
13. Hotel: One (1) parking space for each two (2) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
14. Laundromat and self-service dry cleaning establishments: one (1) parking space per every two (2) washing and/or dry cleaning machines.
15. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment: One parking space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one parking space for each six hundred (600) square feet of floor area.
16. Medical professional services (medical or dental clinics and offices): One (1) parking space per every two hundred (200) square feet of gross floor area.

17. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
18. Motor-vehicle salesrooms and used car lots: One (1) parking space for each eight hundred (800) square feet of sales floor or lot area.
19. Offices of non-medical professional services and financial institutions (financial and business offices, banks, offices of lawyers, architects, engineers, etc.): One (1) parking space per every three hundred (300) square feet of gross floor area.
20. Private club, lodge, country club or golf club: One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
21. Restaurant, night club, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
22. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
23. Rooming or boarding house: One (1) parking space for each two (2) sleeping rooms.
24. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.

25. School, elementary: One (1) parking space for each ten (10) seats in the auditorium or main assembly room or one (1) space for each classroom, whichever is greater.
26. School, secondary: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
27. Supermarkets, convenience grocery stores, or self-service food stores containing over two thousand-five hundred (2,500) square feet of gross floor area: One (1) parking space per every one hundred-fifty (150) square feet of gross floor area.
28. Theater, auditorium (except school), sports arena, stadium, or gymnasium: One (1) parking space for each four (4) seats or bench seating spaces.
29. Tourist home, cabin or motel: One (1) parking space for each sleeping room or suite.
30. Vehicular washing facilities: Three (3) storage spaces per every washing stall to be provided in the approach lane to each washing stall.
31. Warehousing, manufacturing and industrial concerns with retail business or premises: One (1) parking space per every three hundred (300) square feet of gross floor area.

3. Location of parking spaces.

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- a. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.
- b. Not more than fifty (50) percent of the parking spaces required for (1) theaters, bowling alleys, dance halls, night clubs or cafes, and not more than eighty (80) percent of the parking spaces required for a church or school auditorium may be provided and used by (2) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); provided, however, that written agreement thereto is properly executed and filed as specified below.

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

4. Minimum dimension for off-street parking.

- a. Ninety Degree Angle Parking. Each parking space shall be not less than nine (9) feet wide nor less than nineteen (19) feet in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four (24) feet perpendicular to the building or parking line.
- b. Sixty Degree Angle Parking. Each parking space shall be not less than ten (10) feet wide perpendicular to the parking angle nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty-two (22) feet perpendicular to the building or parking line.
- c. Forty-five Degree Angle Parking. Each parking space shall be not less than twelve (12) feet wide perpendicular to the parking angle nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty (20) feet perpendicular to the building or parking line.
- d. Alley Parking. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
- e. Additional parking space. Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are

provided but not required shall comply with the minimum requirements for parking and maneuvering space herein specified.

5. Off-street loading space.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

- a. In District "GI-1", one loading space for each ten thousand (10,000) feet or fraction thereof, of floor area in the building.
- b. In District "B-2", one loading space for the first five thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.
- c. Each required loading space shall have a minimum area of at least fifty (50) feet in depth, twelve (12) feet in width and with an overhang clearance of not less than fourteen (14) feet, exclusive of access, platform, or maneuvering area to be used exclusively for loading and unloading of merchandise.

Sec. 15-12. PERMITTED BUILDABLE AREA

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory structures may be erected within any building line established for the principal structure and in required rear yards as may be otherwise provided in these regulations.

Sec. 15-13. VALIDITY OF PREVIOUSLY ISSUED PERMITS IN CONFLICT WITH
THESE REGULATIONS

Permits for either the construction of buildings or for the use of land or buildings which have been issued prior to the adoption of this Ordinance and which are in violation with the regulations of this Ordinance shall be declared void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning. Investment in real property shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation is under way within six (6) months after the adoption of this Ordinance such permit shall become void.