

## ORDINANCE NO. 1990.3

AN ORDINANCE OF THE VILLAGE OF BAILEY'S PRAIRIE, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACTS; ESTABLISHING ZONING REGULATIONS AND DIVIDING THE VILLAGE INTO DISTRICTS ACCORDING TO A COMPREHENSIVE PLAN ADOPTED PURSUANT TO THE PROVISIONS OF THE ZONING ENABLING ACT OF THE STATE OF TEXAS; REGULATING THE USE OF BUILDINGS AND OTHER STRUCTURES; ADOPTING A ZONING MAP SHOWING THE LOCATION AND BOUNDARIES OF THE VARIOUS DISTRICTS AND USE AREAS; PROVIDING FOR ISSUANCE OF PERMITS, METHODS OF ENFORCEMENT, INTERPRETATION OF THE ZONING MAP, ZONING OF NEW TERRITORY UPON EXTENSION OF CITY LIMITS AND FUTURE CHANGES AND AMENDMENTS; DEFINING VARIOUS TERMS AND WORDS USED IN SAID ORDINANCE; PROVIDING THAT ANY PERSON VIOLATING ANY PROVISIONS OF SAID ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED (\$200) DOLLARS; PROVIDING THAT EACH DAY ANY VIOLATION CONTINUES OR OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWO TIMES IN THE ANGLETON TIMES.

BE IT ORDAINED BY THE BOARD OF AIDERMEN OF THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS:

### SECTION ONE. TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of Bailey's Prairie, Texas.

### SECTION TWO. GENERAL PURPOSE.

1. To promote the desirable development of all land.
2. To protect the desirable development.
3. To promote stability of development.
4. To enhance and protect building and land values.
5. To protect the public health and general welfare.

SECTION THREE. DEFINITIONS AND RULES OF CONSTRUCTION.

1. Words in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The word "shall" is mandatory and not discretionary, the word "may" is permissive.

2. Accessory building. A building subordinate to the principal building on a lot Where a wall or portion of a wall is common to the principal building or when the roof is attached to the principal building, the accessory building shall be counted as part of the principal building.

3. Accessory use. Land and/ or building uses which are allowed in a zone only when they are clearly subordinate to and in conjunction with a permitted use.

4. Apartment. A building with three or more apartments and without separate dining or cooking facilities.

5. Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property.

6. Building line. A line, usually parallel to street or property line, beyond which buildings shall not be erected.

7. Conditional uses. Land and/or building uses which because they may generate special problems such as excessive traffic, excessive noise, or other conditions which may in certain cases prove undesirable for a certain zone. Each must be treated separately on a case by case basis. The approval of on conditional use in a zone does not mean this becomes a permitted use.

8. Customary home occupations. Occupations which may be conducted in the home without changing the character of the residential use of the property and not involving retail sales to customers, objectionable noise or odors, or outside storage of material or equipment. Such uses as barbershops, beauty parlors, tea rooms, children's day care and animal hospitals shall not be deemed as home occupations.

9. Duplex. See dwelling, two family.

10. Dwelling, one family. A detached building have accommodation for and occupied by not more than one family.

11. Dwelling, two family. A detached building having separate accommodations for and occupied by not more than two families.

12. Family. Any number of individuals living and cooking together on the premises as a single housekeeping unit.

13. Floor area. Gross horizontal areas of the several floors of a structure covered by a roof, exclusive of garages, stoops, carports unenclosed porches, and same as living area.

14. Height of building. The distance from average grade or curb level to the highest point of the roof, towers, spires and chimneys but not including the like.

15. Hotels. A building (containing rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

16. Living area. Gross horizontal areas of the several floors of a structure covered by a roof exclusive of garages, carports and unenclosed porches, same as floor area.

17. Livestock. Horses, cattle, pigs, rabbits, poultry, sheep and goats.

18. Lot frontage. The width of the lot at either front line or building line, whichever is greater.

19. Lot line. The boundaries of any lot as described on the subdivision plat.

20. Mobile home. Any structure or vehicle manufactured or built skirting without a foundation other than wheels or jacks or and to be of whether it has occupied as a residence by a single family been attached to a permanent foundation or residence for a single family. irrespective other than for a occupied

21. Mobile home park. Two or more mobile homes located on real property or properties owned by the same person(s). It is the intent of this ordinance to prohibit any person from locating or maintaining more than one mobile home in the city limits, and any such mobile home must be used as the residence of the owner of said mobile home. ,

23. Private yard. An area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

24. Religious institution. Any place of worship for the carrying on of religious activities which consists of one or more permanent buildings.

25. Service shops. Bakeries, beauty shops, restaurants, laundry agency, washateria, shoe repair, gasoline service, etc. but excluding auto repair, bus terminals, machinery repair and welding.

26. Street right-of-way. Property either conveyed or dedicated to the public for use as a public street.

27. Subdivision. Same as in the Village Subdivision Ordinance.

28. Townhouse. A dwelling unit structure having a separate wall with one or more adjoining dwelling unit structures.

SECTION FOUR. ESTABLISHMENT OF ZONES.

1. In general. In order to carry out the provisions of this ordinance, the Board of Aldermen hereby create eight (8) zones known as:

- R-1 R- Single Family Residence, without Mobile Homes.
- 2 B-1 Multi-Family Residence.
- C-1 Neighborhood Business.
- CE-1 Commercial.
- M-1 Cemetery.
- POO-1 Light Industrial.
- POO-2 Planned Use Development without Mobile Homes.
- Planned Use Development with Mobile Homes.

The above zones are shown and designated on a map attached to this ordinance. Initially, land in the Village has only been designated as R-1, PUD-1, PUD-2 and CE-1. The creation of any of the other zones does not mean that an area of the Village must, in the future, be designated as such zone, but these zones have been created with the idea that they might be an appropriate designation in the future.

2. R-1 Single Family Residence, without Mobile Homes.

(a) Description and purpose: residential The most restrictive of zones composed chiefly and specifically of individual homes on lots, excluding mobile homes.

(b) Permitted use:

One family dwellings. Golf course.  
Country Clubs. Parks.

(c) Minimum lot area: the same as required by the applicable health regulations for septic system.

(d) Permitted accessory use:

Servant quarters.  
Garden, tool and play houses.  
Temporary real estate sign.  
Personal recreational facilities.  
Structures for housing and feeding livestock for personal use.  
Pets and incidental livestock for personal use.  
Pumphouses.

### 3. Multi-Family Dwelling Zone.

(a) Description and purpose: A dwelling zone for two or more families providing most of the desirable residential characteristics attributed to single family districts. This zone also excludes mobile homes.

(b) Permitted uses:

Same as R-1.  
Two family dwellings.  
Apartments.  
Townhouses.  
Condominiums.

(c) Minimum living area per family: 450 square feet.

(d) Minimum lot area: The same as required by the applicable health regulations for septic systems.

(e) Permitted accessory uses:

Same as R-1.  
Recreational facilities.  
Management offices.

(f) Off-street parking: See section 5.5.

(g) Other provisions: All lights on signs shall be shielded so that the lights do not shine on adjoining premises and source of light steady. No signs larger than 100 square feet.

4. B-1 Neighborhood Business:

(a) Description and purpose: A neighborhood shopping zone wherein retail business or service establishments supply commodities or perform services to meet the daily needs ' of the neighborhood. Uses which might be harmful to nearby residents are not permitted in such neighborhood and shopping center. Specifically excludes automobile repair and sales.

(b) Permitted uses:

Same as R-1, R-2.  
libraries, museums.  
Offices and office buildings.  
Studios.  
Beauty and barber shops.  
Clothing stores.  
Newspaper and printing shops.  
Drive-in eating places and stores.  
Groceries.  
Day care centers.  
Bowling alleys.  
Theaters.  
Banks and financial institutions.  
Hotels and motels.  
Nursing homes.  
Funeral homes.  
Hospitals and clinics.  
Membership clubs.  
Home for aged, orphans.  
Restaurants.  
Drug stores.  
Video stores, book stores.  
Sporting goods stores.  
Hardware stores, but excluding lumber yards.  
Florist shops.

(c) Minimum lot area: same as required by the applicable health regulations for septic systems.

(d) Other provisions: All lighted signs shall be shielded so that the lights do not shine on any adjoining property and sources of light steady. All signs must be physically attached to the building or on property owned or leased.

5. C-1 Commercial.

(a) Description and purpose: this is a zone designed to contain mostly warehousing, distribution type of activity and activity that can be noisy or that s can detract from the appearance and quiet of the neighborhood.

(b) Permitted uses:

Same as R-1, R-2, B-1.  
Lumber yards; hardware stores.  
Brick yards.  
Auto repair, sales and rental.  
Warehouses.  
Wholesale  
business.  
Veterinary.  
Service shops.  
Commercial laundries.  
Beverage manufacture.  
Trucking yards.  
Dairy product processors.  
Truck stops.

(c) Minimum lot area: the same as required by the applicable health regulations for septic systems.

(d) Accessory uses: Any customary, incidental to business and those permitted in R-1.

.. 6. M-1 Light Industrial.

(a) Description and purpose: This zone permits most compounding, assembling or treatment of articles or materials with the exception of raw heavy manufacturing and the processing of materials.

(b) Permitted uses:

Same as R-1, R-2, B-1, C-1.  
Machine shop.  
Carpenter shop.  
Ice manufacture.  
Light metal processing.  
Paper fabricating.  
Plastic manufacture.  
Clay products manufacture.  
Clean manufacturing, where no air or water emissions occur.



(c) Minimum lot area: same as required by the applicable health regulations for septic systems.

(d) Off-street parking: See section 5.5.

7. PUD-I, Planned Use Development.

(a) Description and purpose. It is the intent of PUD-1 to provide for appropriate uses and development of the large tracts of undeveloped land in the Village and to allow flexibility and creativity in any such development. Land zoned PUD-1 may be used as permitted in R-1 and may also be used for farming, ranching, stock tanks and recreational ponds. In addition, oil and gas mining and exploration are permitted, with such incidental storage, processing and transportation allowed as is necessary in connection with such drilling and exploration. No processing, transportation or storage of oil or minerals is permitted except as is necessary in connection with the mining or production process. All drilling is prohibited within 200 feet of a property line unless a conditional use permit is first obtained as provided below.

Before making any use of any property in a PUD-1 zone, other than the ones set forth in paragraph

7(a) above, the owner or his authorized agent must comply with the following:

A. Preapplication conference. Prior to the formal

application for a PUD zoning use, the applicant shall discuss with the mayor the proposed planned use development, including, but not limited to:

- (1) The project location;
- (2) The project size;
- (3) The project's intended land uses;
- (4) The variation from normal zoning provisions needed to implement the plan;
- (5) The relationship of the proposed project to existing adjacent development;

6.



(6) The proposed document concerning maintenance of the common areas, if any. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the Village to assure maintenance of the common areas in case of financial or other emergency. In addition, or in lieu of the above, a bond can be required.

(7) Compliance with other Village ordinances, including, but not limited to, flood management.

The purpose of the pre-application conference is to clarify, for the applicant, the Village's policies regarding planned use development and for the Village to provide an informal nonbinding opinion on the acceptability of the proposal.

B. Preliminary plan. To receive preliminary approval of a

request for such PUD-1 use, the applicant shall submit to the Board of Aldermen the following:

(1) A preliminary plan including:

(a) A location diagram at a convenient scale;

(b) A land use plan at a scale of 1 inch = 100 feet, illustrating the boundaries of the proposed tract, any existing land uses on the proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to topography, vegetation or flooding, and adjacent existing land uses to a distance of 200 feet. This land use plan shall also illustrate existing zoning on and within 200 feet of the proposed development.

(2) Two (2) copies of a plan of the proposed development at a scale of 1 inch = 100 feet, illustrating all of the elements of the proposal, including, but not limited to:

(a) Land uses and drainage;

(b) Circulation and parking;

(c) Common area(s).

(3) A staging plan, if appropriate to the proposal.

(4) Sketches and/or elevation drawings illustrating visually the general features of the proposed plan.

(5) A written statement outlining the applicant's views on the relationship of the proposal to any existing adjacent development.

The Board of Aldermen may make such reasonable changes, additions and deletions to the plan as may be in the best interest of the Village, or the Board of Aldermen, in its discretion, may reject a proposed use in PUD-1.

C Final plan. To complete the zoning process, the applicant shall, as soon as possible following action by the Board of Aldermen on the preliminary plan, submit the following for review and approval:

(1) Two (2) copies of a plan of the proposed development at a scale of 1 inch = 100 feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the Board of Aldermen during the preliminary plan review process. Such changes shall be reviewed and approved by the Board of Aldermen.

(2) Two (2) copies of a staging plan, if appropriate to the proposal, reflecting all changes required by the Board of Aldermen during the preliminary plan review process.

(3) Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties.

The Board of Aldermen may make such reasonable changes, additions and deletions to the plan as may be in the best interest of the Village.

The Board of Aldermen shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process and when received, the applicant may implement the plan as approved.

D. Recordation; changes; time limit; relationship to subdivision regulations.

(1) Subdivision plat. Review of the preliminary plan and the final plan may, at undertaken the option of the applicant, be subdivision simultaneously with however, that all plat review; provided, reqUirements subdivision ordinance of this section and those of the shall be met.

(2) Recording of the approved plan. Two (2) copies of the final approved plan shall be marked approved, dated, signed by the Board of Aldermen, and submitted to the mayor for use in subdivision platting and/or for issuing building permits.

E. Design standards. Land zoned PUD-1 may be developed as above provided, for any or all of the uses permitted in any specific zoning districtS as provided in this section. Mobile homes are specifically excluded in PUD-!.

#### 8. PUD-2, Planned Use Development.

(a) Description and purpose. It is the intent of this zone to encourage and provide for appropriate development in the oldest platted section of the Village, which is primarily residential at present, but will probably become commercial as the Village develops. Land zoned PUD-2 may be used as I?ermitted in R-1 and may also contain mobile homes for habitatION by the owner thereof. Rental of mobile homes is expressly prohibited. :Mobile home parks are expressly prohibited.

Before making any use of any. property in a PUD-2 zone other than the uses listed in paragraph 8(a) above, the owner or his authorized agent must comply with the following:

A. Preapplication conference Prior to the formal

application for a PUD-2 zoning use, the applicant shall discuss with the mayor of the proposed planned use development, including, but not limited to:

- (1) The project location;
- (2) The project size;
- (3) The project's intended land uses;
- (4) The variation from normal zoning provisions needed to implement the plan;
- (5) The relationship of the proposed project to existing adjacent development;
- (6) Compliance with other Village ordinances, including, but not limited to, flood management.

The purpose of the pre-application conference is to clarify, for the applicant, the Village's policies regarding planned use development and for the Village to provide an informal nonbinding opinion on the acceptability of the proposal.

B. Preliminary plan. To receive preliminary approval of a

request for such PUD-2 use, the applicant shall submit to the Board of Aldermen the following:

(1) A preliminary plan including:

- (a) A location diagram at a convenient scale;
- (b) A land use plan at a scale of 1 inch = 100 feet, illustrating the boundaries of the proposed tract, any existing land uses on the proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to topography, vegetation or flooding, and adjacent existing land uses to a distance of 200 feet. This land use plan shall also illustrate existing zoning on and within 200 feet of the proposed development.

(2) Two (2) copies of a plan of the proposed development at a scale of 1 inch = 100 feet, illustrating all of the elements of the proposal, including, but not limited to:

- (a) Land uses and drainage;
- (b) Circulation and parking;
- (c) Common area(s).

(3) A staging plan, if appropriate to the proposal.

(4) Sketches and/or elevation drawings illustrating visually the general features of the proposed plan ..

(5) A written statement outlining the applicant's views on the relationship of the proposal to any existing adjacent development.

The Board of Aldermen may make such reasonable changes, additions and deletions to the plan as may be in the best interest of the Village. The Board of Aldermen, in its discretion, may reject a proposed use in PUD-2.

**C. Final plan.** To complete the zoning process, the applicant shall, as soon as possible following action by the Board of Aldermen on the preliminary plan, submit the following for review and approval:

(1) Two (2) copies of a plan of the proposed development at a scale of 1 inch = 100 feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the Board of Aldermen during the preliminary plan review process. Such changes shall be reviewed and approved by the Board of Aldermen.

(2) Two (2) copies of a staging plan, if appropriate to the proposal, reflecting all changes required by the Board of Aldermen during the preliminary plan review process.

(3) Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties.

The Board of Aldermen may make such reasonable changes, additions and deletions to the plan as may be in the best interest of the Village.

The Board of Aldermen shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process

and when received, the applicant changes; may implement the plan as approved.

D. Recordation; tim limit; relationship t  
subdivision regulations. o

(1) Subdivision plat. the option of the applicant, be subdivision  
and the final plan may, at undertaken plat review; provided,  
simultaneously with however, that all of this section and those of the  
reqUirements subdivision ordinance e  
shall be met.

(2) Recording of the approved plan. Two (2) copies of  
the final approved plan shall be marked approved, dated, signed by the Board of  
Aldermen, and submitted to the mayor for use in subdivision platting and/or for  
issuing building permits.

E. Design standards. Land zoned PUD-2 may be developed as

above provided, for any or all of the uses permitted in any specific , zoning districts as  
provided in this section.

9. CE-!, Cemetery.

(a) Description and purpose: private This zone is for public and  
cemeteries and mausoleums.

(b) Permitted uses:

Same as R-1  
Cemeteries, public or private mausoleums  
Chapels, religious institutions

(c) Minimum lot area: same as required by the applicable health  
regulations for septic systems.

(d) Permitted accessory uses:

Same as R-1  
Management and sales offices

SECTION FIVE. SUPPLEMENTARY REGULATIONS.

1. No mining, excavation, or soil removal or dumping is permitted except in connection with construction covered by building permit or other permit which may be required.

2. Only one (1) main building for single-family, two-family, or apartment use, is permitted except in PUD.

3. Where any R-2, B-1, C-1, or M-1 zone abuts a single-family residence zone on either side or rear, the R-2, B-1, C-1, or M-1 zone must provide a fence that is a minimum of six (6) feet and a maximum of seven (7) feet in height and that is solid enough to prevent lights shining through it. In addition, a B-1, C-1 or M-1 zone must provide a five foot setback except as otherwise provided in this code, when it abuts a residential zone on either side or rear.

4. On any corner lot, no fence, structure, sign, tree, shrub or hedge may be maintained within a 25 foot isosceles triangle formed by the lot lines on the corner, as to cause danger to traffic by obstructing the view.

5. All off-street parking areas in R-2, B-1, C-1 or M-1 shall have an all weather type surface.

SECTION SIX. CONDITIONAL USE.

The following land uses shall require approval of the Board of Aldermen instead of the building inspector because of special problems of traffic, parking safety or effect on surrounding property.

1. A conditional use permit issued pursuant to the provisions of this ordinance shall be required before the following conditional uses can be permitted in the zoning district or districts indicated:



CONDITIONAL USE

DISTRICT

Public buildings erected by city, county, state, school, district, federal or any other governmental agency

In any district

Airports, landing fields or airport facilities

In any district

Water reservoirs, pumping station, water towers or artesian wells, unless for agriculture use

In any district

Radio or television transmitting or receiving towers taller than 100 feet, whether commercial or private

In any district

Cemetery or mausoleum

In any district, except CE-1

Electrical substation

In any district

Mining for oil, gas or other minerals produced by drilling beneath the surface of the land, if within 200 feet of adjoining property line

Only in PUD-1

Public or private schools

In any district

Outdoor sales

In any district except R-1 where totally prohibited

Commercial stables and kennels,

In PUD-1 only

Any establishment that serves alcohol for on-premise consumption

In PUD-1, B-1, C-1 and PUD-2

Telephone exchange

In any district

Pipeline carrying oil, gas, chemicals or any other flammable or hazardous material

In any district except as expressly permitted in PUD-1

2. A conditional use permit is an amendment to the district regulations that permit the establishment of a conditional use within a

zonmg district in which such conditional use may be established under the provisions above.

3. An application for a conditional use permit shall be made in writing to the mayor but such pennits can only be granted by amendment to this ordinance in the manner set forth for other zoning amendments. The application shall state the name and address of the owner, the legal description of the land for which the permit is sought, its street address, if any, and a statement of the use sought. It shall be signed and dated by the owner or the owner's agent or attorney.

4. A conditional use permit, revocable, conditional, permanent or valid for a term only may be issued for any of the uses or purposes for which such permits are required or permitted under the provisions above. Provided, however, the granting of a conditional use permit does not exempt the applicant from the necessity of complying with all other requirements of this or any other ordinance of the Village of Bailey's Prairie, Texas.

5. Every conditional use permit granted by the Board of Aldermen shall be applicable only to the land specifically described therein. In granting such permit, the Board of Aldermen may impose any reasonable conditions which must be complied with by the permittee in order for such permit to remain valid but such conditions shall not be construed as conditions precedent to the granting of the permit.

## SECTION SEVEN. PROHIBITED USES.

The Village of Bailey's Prairie is primarily a residential and agricultural community and the Board of Aldermen finds that the comprehensive plan for the Village is to maintain the quality and character of life of the residents of the Village and to encourage business growth and development that will not detract from the character of the community. Therefore, the following uses are expressly prohibited anywhere in the Village:

1. Mobile home parks.
2. Trailer camps.
3. Strip mining.
4. Storage or dumping of any industrial or nuclear products or by-products.
5. Wild animals, including, but not limited to lions, tigers, bears, leopards, elephants, buffaloes.
6. Animals raised primarily for fighting, including, but not limited to fighting cocks and Pit Bull terriers.
7. Blast furnaces or coke ovens.
8. Automobile wrecking or junk yard.
9. Sanitary landfill or other site for disposal of solid or other wastes.
10. Injection wells expressly prohibited except for salt water injection incidental to oil and gas drilling.
11. Manufacture, sale or storage of explosives, including, but not limited to, fireworks.
12. Garbage, offal or dead animal burning, dumping or reduction.
13. Glue manufacturing.

14. Commercial slaughter of animals.

15. Tannery or curing or storage of rawhide other than for personal use.

16. Excavation of any material for commercial sale.

17. Drive-in theaters.

18. Petroleum refining and/or storage, except as is necessary with respect to oil and gas production.

19. Mobile homes, except in PUD-2.

20. Fuel yards.

21. Commercial billboards or outdoor advertising signs on premises of business being advertised.

~ 22. Sand pits.

23. Drilling or mining for oil, gas or other minerals except in PUD-1.  
SECTION EIGHT. PARKING REQUIREMENTS.

Off-street parking facilities shall be provided in connection with the

erection, the increase by units, the increase in dimension or the moving of any building in the following amounts:

1. Multiple-family dwelling:

a. Apartment house--2-1/2 spaces per living unit.

b. Townhouses--2 spaces per living unit,

2. Club rooms, fraternity and sorority houses and dormitories having two (2) or more guest rooms or two (2) or more guests: 2 spaces for each guest room.

3. Hotels, motels, motor lodges: 1 space for each guest room or trailer space and 1 space for each two (2) employees (associated

commercial, club, lounge or n-tail areas require additional spaces--See No.4).

4. Restaurant, lounge, skating rink, commercial amusement: 1 space

for each three (3) persons normally accommodated in the establishment, for user not requiring a building, 1 space for each 800 square feet of ground area shall be provided.

5. Nursing homes and orphanages: 1 space for each four (4) beds.

6. Hospitals, sanitoriums: 1 space for each bed, plus 1 space for each two (2) hospital or staff doctors, plus 1 space for each three (3) employees (parking for each group to be identified by user group).

7. Office permitted in R-2 zone: 1 space for each 300 square feet of gross floor area.

B. Theaters, indoor sport arenas, auditoriums other than those incidental to public and private schools: 1 space for each three (3) seats.

9. Stadiums, ball parks and other outdoor sports arenas: 1 space for each four (4) seats. Said parking area or any portion thereof, may be located within 800 feet of the nearest corner of the property on which the place of assembly is located.

, 10. Churches, other places of worship, funeral homes and convention halls: 1 space for each four (4) seats in the main auditorium.

11. Retail stores, super markets, shopping centers:

a. for buildings of 2,000 square feet or less: 1 space for 400 square feet of floor area.

- b. for buildings in excess of 2,000 square feet of floor area: 1 space for 200 square feet of floor area.

12. Banks, savings and loan offices and other general business offices: 1 space for each 300 square feet of gross floor area.

13. Office, medical, dental or optical: 1 space for each 200 square feet of gross floor area.

14. General commercial, manufacturing, warehouses and general storage: 1 space for each 1,000 square feet of floor area plus 1 space for each four (4) employees.

15. Off-street parking for uses not specified herein shall be determined by the Board of Aldermen.

16. All parking spaces must be a minimum of 9 feet by 18 feet.

17. Any or all off-street parking requirements may be waived at the discretion of council where there is a reasonable justification for so doing.

18. Any head-in parking or [parking on] public right-of-way where street width is less than 48 feet is prohibited in front of all property.

#### SECTION NINE. ADMINISTRATION.

1. Enforcing officials: The provisions of this ordinance shall be administered and enforced by the building inspector of the Village of Bailey's Prairie.

2. Right to trespass: The building inspector or any duly authorized person shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

3. Stop orders: \Whenever any building work IS being done contrary to provisions of this ordinance, the building inspector may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building inspector to proceed with the work.

SECTION TEN. ADVERTISING COSTS.

Persons applying for conditional uses or zoning amendments must pay

for the cost and of advertising and mailing the and legal fees all for said requests, provide names and addresses of property owners to which notices must be mailed in accordance with this ordinance. The Board of

Aldermen may, from time to time, by majority vote, set fees to cover such estimated costs in connection with this ordinance.

SECTION ELEVEN. NON-CONFORMING USES AND CERTIFICATE FOR NON-CONFORMING USE.

A Any use or structure existing at the time of enactment or not in subsequent amendment of this ordinance, but provisions, may be conformity with its continued with the following building which does not conform to limitations. Any use or this ordinance may not be:

1. Changed to another non-conforming use;
2. Reestablished after discontinuance for six months;
3. Extended except in conformity to this ordinance;
4. Rebuilt after damage exceeding 2/3rds of its fair sales value immediately prior to damage;

5. Continued, except by present owners; or
6. Continued after the expiration of 20 years from the date of the adoption of this ordinance.

B. Non-conforming uses must apply for certificates: A certificate of non-conforming use shall be required of all non-conforming uses of land or buildings created at the time of passage of this ordinance. Application for such certificate of non-conforming uses shall be filed with the building inspector by the owner or lessee of the land or building occupied by such non-conforming use within one year from the effective date of this ordinance. It shall be the duty of the building inspector to issue a certificate of non-conforming uses. Failure to apply for such certificate of occupancy for non-conforming uses shall be considered evidence that such non-conforming use did not exist at the time this ordinance became effective.

SECTION TWELVE. PENALTY.

Any person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall build, alter, or occupy any building or property in violation of any permit, statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Dollars (\$200). Each day or any portion thereof, such violation shall occur, or shall be allowed to continue to exist shall constitute a separate offense.



The owner or owners of any building or property or part thereof where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, attorney, person, firm or corporation employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Dollars (\$200).

In addition to the remedies provided for in this section the enforcing officer may, in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance institute any appropriate action or proceedings to prevent such unlawful erection, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct of business or use in or about such premises.

#### SECTION THIRTEEN. AMENDMENTS.

1. Requirements for change: A change of this ordinance may be considered whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration by the Board of Aldermen, or by a petition by one or more of the owners or optionees of property within the area proposed to be changed.

2. Initiation of change: A proposed change of zone may be or initiated by the Board of Aldermen, or by a petition by one owners, more of the optionees or lessees of property within the area proposed to be changed.

3. Changing the ordinance: The Board of Aldermen shall hold a public hearing to consider any proposed change. Written notice of all public hearings before the Board of Aldermen on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners. Such notice may be served by depositing the same, properly addressed postage paid, at a United States post office. Before the 15th day before the date of the public hearing, notice of the time and place of the hearing must also be published in a newspaper having general circulation in the Village. If the Board of Aldermen is in favor of the proposed change, it may, after the 30th day after the notice to the property owners is given and after the public hearing, make such change in said ordinance.

4. Passage of rezoning ordinances where written protest is filed: In case, however, of a written protest against such change signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such

amendment shall not become effective except by 3/4ths of all the members of the Board of Aldermen. previous section relative to public hearing and apply equally to all changes or amendments. the favorable vote of The provisions of the official notice shall

5. Restrictions. Any prior deed restrictions or other prior restrictions placed on any lot or land that is the subject of a zoning change request shall be disclosed to the Board of Aldermen by the land owner or optionee of land, when a change is requested by such owner or optionee. Any restriction on land or lots which was agreed by the owner

or optionee of property at the time the change of zone is approved by the Board of Aldermen shall be entered 10 the Board minutes as a part of the permanent record. If the land is undeveloped, the restriction shall be placed in the plat at the time of plat approval. A violation of this subsection constitutes a misdemeanor and shall be punishable by fine not exceeding Two Hundred Dollars (\$200).

SECTION FOURTEEN. INTERIM ZONING OF NEWLY ANNEXED TERRITORY.

1. No permit for the construction of a building shall be issued by the building inspector 10 a territory where an ordinance has passed annexing same to the Village of Bailey's Prairie, other than a permit which will allo<sup>w</sup> the construction of a building permitted to be constructed in what is defined as R-1 single family residence as defined in subsection 2 of section 4 of this ordinance. An application for any other use than that specified hereinabove shall be made to the Board of Aldermen.

2. The owner, lessees, or any other person, firm, corporation, owning, controlling, constructing or directing the construction of any building or structure now in process of construction and which is incomplete at the time the land upon which it is situated is covered by an ordinance passed annexing same to the Village of Bailey's Prairie, Texas, before proceeding any further with the construction, alteration or

completion thereof, shall apply to the Board of Aldermen for a permit authorizing further work on said building or structure and shall attach to said application for such permit plans and specifications relating to the

construction of said building, or structure. Said construction work shall

be suspended until the permit provided for herein has been issued, or until final zoning regulations have been adopted which permit the construction, use and occupancy of the structure or building.

SECTION FIFTEEN. PERMANENT ZONING OF NEW TERRITORY.

The permanent zoning of newly annexed territory shall be R-1 unless changed as provided in Section 13 above.

SECTION SIXTEEN. SEVERANCE.

In the event any section or provision of this ordinance is found to be unconstitutional, void, inoperative, or beyond the final judgment of the courts of competent jurisdiction, such defective provision, if any, is hereby

declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION SEVENTEEN. SAVINGS CLAUSES.

This ordinance is cumulative of and in addition to all other ordinances of the Town of Bailey's Prairie, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided,

however, where this ordinance and another ordinance shall conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions and shall remain in full force and effect.

SECTION EIGHTEEN. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its passage and approval.

SECTION NINETEEN. POSTING.

This ordinance shall be published by publishing the descriptive caption hereof two times in the Angleton Times.

READ, PASSED AND APPROVED this 9/A/ day of April, 1990.  
AD. 1990.

*C.~.cl*

JO MAPE ~ ~ VILLAGE OF  
BAILEY'S PRAIRIE, TEXAS

ATTEST:

*Charlotte Jones*  
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SECRETARY, VILLAGE OF  
BAILEY'S PRAIRIE, TEXAS