

## **ORDINANCE NO. 2130**

### **AN ORDINANCE AMENDING APPENDIX A, ZONING ORDINANCE, CHAPTER 5, "USE DISTRICTS," SECTION 5-1. "DISTRICTS AND DISTRICT BOUNDARIES," "R-1 THROUGH R-6."**

**WHEREAS**, there are numerous single- family residential neighborhoods established prior to passage of the April 11, 1955 Zoning Ordinance; and

**WHEREAS**, these neighborhoods contain lots which do not meet the minimum lot area of 7,000 square feet; and

**WHEREAS**, a minimum lot area of 5,000 square feet in these neighborhoods still fulfills the intent of the zoning ordinance.

**IT IS NOW THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALICE, TEXAS:**

#### **CHAPTER 5. - USE DISTRICTS**

##### **[Sec. 5-1. Districts and district boundaries.]**

In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged, to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Alice is hereby divided into 13 zoning districts to be known as follows:

- (1) R-1 one-family district.
- (2) R-2 two-family district.
- (3) R-3 special two-family district.
- (4) R-4 multifamily district.
- (5) R-5 townhouse residential district.
- (6) R-6 mobile home subdivision district.
- (7) R-7 mobile home park.
- (8) B-1 business district.
- (9) B-2 business district.
- (10) B-3 business district.
- (11) B-4 business district.
- (12) C industrial district.
- (13) D industrial district.

The term "more restricted district" means one with fewer permitted uses and the term "less restricted district" means one with more permitted uses. The districts aforesaid, and the boundaries of such districts, shall be as hereinafter described, and as shown the map attached hereto and made a part of this ordinance, said map being designated "Zoning Map of the City of Alice, Texas," and said map and all notations, references, and other information shown thereon

shall be a part of this ordinance the same as if all such matters and information were fully described herein. The original of said map shall bear even date with the passing of this ordinance [date of passage of the ordinance] and shall be signed by the mayor and attested by the city secretary [city clerk], under the seal of the City of Alice, Texas; said original map shall be kept in the office of the city secretary [city clerk] in the Alice City Hall, and a replica thereof shall be produced upon paper in such reduced scale as will permit its being attached to this ordinance.

**R-1 one-family district.**

(a) Purpose. This zoning classification is the most restrictive of all residential zones and should be applied in areas of larger lots, more contemporary subdivision design and layout, and, for areas that are designed solely for residential uses. This zoning classification should be applied in areas of the city to conserve neighborhood character and value of buildings. It is not intended that this zoning district be the subject of major alterations except for a possible reclassification in minor areas for a less restrictive residential use for reasonable adjustments necessary for orderly development of vacant lots or the gradual transition from other districts.

(b) Use regulations. In the "A" one-family district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. One-family dwelling.
2. Public or private school, park, playground, library and public community buildings.
3. Accessory building, such as a private garage and servants' quarters.
4. Sign; no window display, no name plate exceeding two square feet in area, no temporary bulletin board or sign board exceeding 12 square feet in area appertaining to the lease, hire or sale or construction of a building or premise, nor advertising sign of any other character be permitted in any R-1 district.
5. Golf course, but not including miniature, driving range, or other form of commercial amusements.
6. Temporary buildings, when they are to be used only for construction purposes, or field offices for the sale of the real estate of the immediate addition. Such temporary construction buildings must be removed immediately upon completion or abandonment of construction and the field office be removed immediately upon request of the city inspector.
7. Churches.
8. Kindergarten, day nursery or play school when licensed by State of Texas as a registered family home or group day care home and by special exception permit.

9. Home occupation by special exception permit.

10. Noncommercial recreational facilities by special exception permit.

(c) Height and area regulations. In the R-1 one-family district, the height of buildings, the minimum dimension of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

- (1) Height. No building hereafter erected, reconstructed, altered, or enlarged shall exceed 2½ stories nor shall it exceed 35 feet.
- (2) Front yard. There shall be a front yard of not less than 25 feet. On existing platted lots, the front and side street setbacks may be 15 feet where the majority of structures are 15 feet.
- (3) Rear yard. There shall be a rear yard setback of not less than five feet.
- (4) Side yard. There shall be a side yard on each side of a building of not less than five feet, and a side setback on corner lots of 15 feet. Note: May be altered in a new subdivision, see subsection (8) below.

Cross reference— See also App. B, § 1.2.D.

- (5) Width of lot. The width of a lot shall be a minimum of 50 feet at the building line.
- (6) Lot area. The minimum area of a lot shall be 7,000 square feet, provided that the property is served by a public sanitary sewer main; the minimum lot area for property not served by sanitary sewer shall be determined by the Board of Adjustment to provide for adequate septic tank drainage.

Where a lot served by public sanitary sewer has less area than 7,000 square feet, but not less than 5,000 square feet, and was of record and in separate ownership at the passage of the Zoning Ordinance (April 11, 1955), this ordinance shall not prohibit the erection of a one-family dwelling. A one-family dwelling shall also be allowed on a replat of any such lot as long as the replatted lot conforms in size to the other lots in the recorded subdivision.

- (7) Alley and easement line. There shall be a five-foot alley or easement line.
- (8) Exception: Side yard. Subject to planning and zoning commission's approval one yard side setback may be zero feet with the other side yard being at least ten feet. All houses on the block or street must conform to the same setback and must be in a new subdivision.
- (9) Variance. "The City Manager of the City of Alice and Director may grant a variance to this code concerning the construction, modification or placement of carports, to allow conformity between the subject property and the subdivision or neighborhood

in which the subject property is located making such determinations on a case-by-case basis. The homeowner(s) requesting a variance must do so in writing to the Director. The Director and City Manager will have (5) business days to respond to such requests. If a variance is not granted, the homeowner(s) may follow procedures in place to appeal the decision to the City of Alice Board of Adjustments.

(Ord. No. 1066, § 1(17-5-1), 6-28-1983; Ord. of 2-13-1984, § 1; Ord. No. 1585, § 2, 8-11-1997; Ord. No. 1839, § 1, 3-28-2007)

## **R-2 two-family district.**

- (a) Purpose. This residential zoning district is not as restrictive in its requirements and will allow for a larger variety of residential uses. This district is to be applied in areas of smaller residential lots, smaller residential structures and in areas of transition between commercial and R-1 one-family district.
- (b) Use regulations. In the R-2 two-family district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - (1) Buildings of land in two-family residence districts shall be the same as permitted in foregoing district R-1.
  - (2) Two-family dwellings (duplex units).
  - (3) Water supply reservoirs and towers, gas and electric, public utility regulator stations, but the size and height, and location of said stations to be fixed by the city council.
  - (4) Parking automobiles areas; as accessory use only.
- (c) Height and area regulations. In the R-2 two-family district, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area, and the minimum floor space per family shall be as follows:
  - (1) Height. Same as R-1 district.
  - (2) Front yard. Same as R-1 district.
  - (3) Rear yard. Same as R-1 district.
  - (4) Side yard. Same as R-1 district.
  - (5) Width of lots. The width of lots for one-family [residences] shall be a minimum of 50 feet and 65 feet for two-family residences.

- (6) Lot area. The minimum area of a lot shall be 6,000 square feet, for one-family residences and 7,000 square feet for two-family residences, provided that the property is served by a public sanitary sewer main.
- (7) Alley and easement. There shall be a five-foot alley or easement line.
- (8) Variance. "The City Manager of the City of Alice and Director may grant a variance to this code concerning the construction, modification or placement of carports, to allow conformity between the subject property and the subdivision or neighborhood in which the subject property is located making such determinations on a case-by-case basis. The homeowner(s) requesting a variance must do so in writing to the Director. The Director and City Manager will have (5) business days to respond to such requests. If a variance is not granted, the homeowner(s) may follow procedures in place to appeal the decision to the City of Alice Board of Adjustments.

**R-3 special two-family district.**

- (a) Purpose. This residential zoning district is designed for the specific areas of the city that due to limited lot sizes such as in older portions of the city require special consideration for lot size.
- (b) Use regulations. Same as R-2 two-family district.
- (c) Height and area regulations.
  - (1) Height. Same as R-1 district.
  - (2) Front yard. Same as R-1 district.
  - (3) Rear yard. Same as R-1 district.
  - (4) Side yard. Same as R-1 district.
  - (5) Width of lot. Same as R-2 [district], except 40 feet on existing platted lots.
  - (6) Lot area. The minimum lot area shall be 5,000 square feet for either one-or two-family residences.
  - (7) Alley and easement line. There shall be a five-foot alley or easement line.
  - (8) Variance. "The City Manager of the City of Alice and Director may grant a variance to this code concerning the construction, modification or placement of carports, to allow conformity between the subject property and the subdivision or neighborhood in which the subject property is located making such determinations on a case-by-case basis. The homeowner(s) requesting a variance must do so in writing to the Director. The Director and City Manager will have (5) business days to respond to

such requests. If a variance is not granted, the homeowner(s) may follow procedures in place to appeal the decision to the City of Alice Board of Adjustments.

**R-4 multifamily district.**

(a) Purpose. This district is for [the] purpose of providing multiple family districts and is intended for multiple family use. This district may also contain single-family uses but the use of this district is intended for zones of transition for the highest single-family zone to multiple or commercial zones.

(b) Use regulations. In the R-4 multifamily district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (1) Any uses permitted in any of the foregoing districts.
- (2) Boarding and lodging houses.
- (3) Multiple dwelling, apartment houses and group houses (not including tourist or trailer camps, courts or lodges).
- (4) Private clubs, fraternities, sororities, lodges, excepting those whose chief activities are services customarily carried on as a business.
- (5) Signs not exceeding 20 square feet, no higher than 12 feet.
- (6) Day care center when licensed by the State of Texas as a day care center and by special exception permit.

(c) Height and area regulations. In the R-4 multifamily district, the height of buildings, the minimum dimension of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

- (1) Height. No building hereafter erected, reconstructed, altered or enlarged shall exceed six stories nor shall it exceed 75 feet in height.
- (2) Front yard. There shall be a front yard of not less than 25 feet.
- (3) Rear yard. There shall be a rear yard setback of not less than five feet.
- (4) Side yard. There shall be a side yard on each side of the building of not less than ten feet except when dwelling buildings exceed three stories (not exceeding six stories) each of two side yards to be increased three feet for each additional story above the third story.
- (5) Width of lot. Minimum of 50 feet at the building line.

- (6) Lot area. In the R-4 multifamily district, the lot area requirements for single-family dwellings shall be the same as district R-2 and the lot area for each additional family shall not be less than 700 square feet per family. In areas not served by sanitary sewers, the minimum lot area per family shall be subject to the approval of the board of adjustment, based on the conditions and requirements for septic tanks.
- (7) Alley and easement line. There shall be a five-foot alley or easement line.
- (8) Variance. "The City Manager of the City of Alice and Director may grant a variance to this code concerning the construction, modification or placement of carports, to allow conformity between the subject property and the subdivision or neighborhood in which the subject property is located making such determinations on a case-by-case basis. The homeowner(s) requesting a variance must do so in writing to the Director. The Director and City Manager will have (5) business days to respond to such requests. If a variance is not granted, the homeowner(s) may follow procedures in place to appeal the decision to the City of Alice Board of Adjustments.

(Ord. No. 1066, § 1(17-5-2), 6-28-1983)

#### **R-5 Townhouse residential district.**

(a) Purpose. This residential district is designed to accommodate attached multi-story single-family units with commonly owned open space to provide residents with open space and recreational areas in close proximity to their place of residence. This district may be used in the zone of transition between lower density residential and higher density residential or commercial use areas. Due to the higher densities provided in this district, close vehicle access to major thoroughfares should be considered necessary.

(b) Use regulations. In the R-5 townhouse residential district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (1) Any uses permitted in any of the foregoing districts.
- (2) Single-family attached dwelling units.

(c) Height and area regulations. In the R-5 townhouse residential district, the height of buildings, the minimum dimension of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

- (1) Height. No building or structure shall exceed three stories or 35 feet.
- (2) Front yard. There shall be a front yard of not less than ten feet when facing on a residential street, 25 feet when facing on a collector street or 35 feet when facing on a

major thoroughfare. There shall be a front yard of no less than 20 feet from the right-of-way line of a street to the face of a garage when a garage faces a street.

- (3) Rear yard. There shall be a rear yard of 20 feet where lots back onto a street, plat boundaries or common property line. Rear yard shall be no less than ten feet when adjacent to a common open space.
- (4) Side yard. There shall be a 15-foot side yard for the nonfrontage side of a corner lot and five feet from interior lot lines for nonattached single-family dwellings and ten feet at the plat boundaries when adjacent to other zoning districts.
- (5) Lot width. The minimum lot width shall be 25 feet in no less than 80 percent of all platted lots and no less than 23 feet for any platted lot excepting that where a lot of record and separate ownership at the time of passage of this ordinance has been less than herein required.
- (6) Lot area. The minimum area of a lot shall be 1,800 square feet provided that where a lot of record and in separate ownership at the time of passage of this ordinance has been less than herein required.
- (7) Density. There shall be no more than ten dwelling units per gross platted acre including all roadways.
- (8) Open space. There shall be open space provided for each townhouse subdivision for the common recreational or open space needs of the residents of this district. Such open space shall be commonly land owned and maintained by bodies, associations, or similar groups and such space shall not be dedicated to the city for ownership or maintenance. The open space area shall be provided on the basis of 500 square feet for each lot up to and including the first 50 lots and at the rate of 300 square feet for each lot thereafter.
- (9) [Bylaws.] Homeowners' or associations' bylaws to be filed and reviewed during the platting process. Said bylaws to be approved by city attorney.
- (10) Additional regulations. Where townhouse lots and dwelling units are designed to face upon an open or common access court, rather than upon a public or private street, such open or common court shall be a minimum of 40 feet. No grouping of attached townhouse dwelling units shall exceed 200 feet [in] width nor less than 48 feet and space between groupings shall be not less than ten feet.
- (11) Variance. "The City Manager of the City of Alice and Director may grant a variance to this code concerning the construction, modification or placement of carports, to allow conformity between the subject property and the subdivision or neighborhood in which the subject property is located making such determinations on a case-by-case basis. The homeowner(s) requesting a variance must do so in writing to the Director. The Director and City Manager will have (5) business days to

respond to such requests. If a variance is not granted, the homeowner(s) may follow procedures in place to appeal the decision to the City of Alice Board of Adjustments.

**R-6 mobile home subdivision.**

(a) Use regulations. In the R-6 mobile home subdivision district no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged nor shall a certificate of occupancy be issued, except for the following uses:

- (1) Mobile homes.
- (2) Accessory buildings and structures incidental to the above uses.

(b) Height and area regulations.

- (1) Height. Same as R-1 district.
- (2) Front yard. Same as R-1 district.
- (3) Rear yard. Same as R-1 district.
- (4) Side yard. Six feet, except on a corner lot must be 15 feet.

Cross reference— See also App. B, § 1.2.D.

- (5) Width of lot. Same as R-1 district.
- (6) Lot area. Same as R-1 district.
- (7) Alley and easement line. Same as R-1 district.
- (8) [Additional regulations.] Additional regulations apply as listed under R-7 mobile home park district, (a) Use regulations numbers (3) a, b, c, d, e, (4), (5), (7), (8), (9) and (11) [subsection (a)(3)—(5), (a)(7)—(9) and (a)(11) of the R-7 district].
- (9) Variance. “The City Manager of the City of Alice and Director may grant a variance to this code concerning the construction, modification or placement of carports, to allow conformity between the subject property and the subdivision or neighborhood in which the subject property is located making such determinations on a case-by-case basis. The homeowner(s) requesting a variance must do so in writing to the Director. The Director and City Manager will have (5) business days to respond to such requests. If a variance is not granted, the homeowner(s) may follow procedures in place to appeal the decision to the City of Alice Board of Adjustments.

**Section I.** This Ordinance is amending Appendix A, Zoning Ordinance, Chapter 5, "Use Districts," Section 5-1. " "Districts and District Boundaries," "R-1 through R-6 " is hereby repealed & the following provisions adopted in its place.

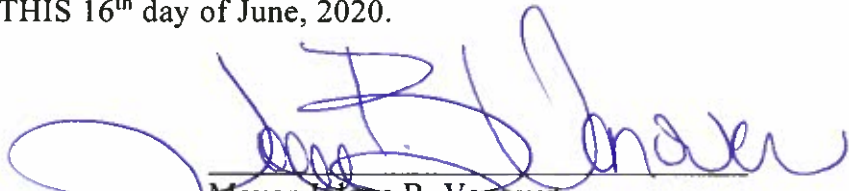
"The minimum area of a lot shall be 7,000 square feet, provided that the property is served by a public sanitary sewer main; the minimum lot area for property not served by sanitary sewer shall be determined by the Board of Adjustment to provide for adequate septic tank drainage.

"Where a lot served by public sanitary sewer has less area than 7,000 square feet, but not less than 5,000 square feet, and was of record and in separate ownership at the passage of the Zoning Ordinance (April 11, 1955), this ordinance shall not prohibit the erection of a one-family dwelling. A one-family dwelling shall also be allowed on a replat of any such lot as long as the replatted lot conforms in size to the other lots in the recorded subdivision."

**Section 2.** This Ordinance shall become effective immediately upon passage by the City Council for the City of Alice.



PASSED & APPROVED THIS 16<sup>th</sup> day of June, 2020.

  
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Mayor Jolene B. Vanover

ATTEST:

  
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Odilia Rodriguez, City Clerk