

ORDINANCE NO. 2016-20

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, AMENDING SECTION 15-6-21 DEFINITIONS TO ADD DWELLING ABOVE BUSINESS AND WORK/LIVE UNITS AND REVISING THE DEFINITION OF MIXED USE; ADOPTING SECTIONS 15-6-29 WORK/LIVE UNITS AND 15-6-30 DWELLING ABOVE BUSINESS; AND AMENDING APPENDIX A-LAND USE CATEGORIES TO ADD DWELLING ABOVE BUSINESS AND WORK/LIVE UNITS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

THAT Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Section 15-6-21 and Appendix A-Land Use Categories shall be amended and Sections 15-6-29 & 15-6-30 shall be adopted to read as follows:

Use Regulations and Districts

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§ 15-6-21 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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Dormitories. Any building arranged or designed for two or more dwelling units and with two or more sleeping positions per room for students.

Dwelling, above business. A dwelling unit located on or above the second floor, from ground level, over a business establishment.

Dwelling, multiple-family. Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Dwelling, one-family attached. A dwelling joined to another dwelling at one or more points by a party wall or abutting separate walls, which is erected upon a separate lot of record and is designed for occupancy by one family.

Dwelling, one-family detached. A dwelling designed and constructed for occupancy by one 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.

Dwelling, two-family. A single structure designed and constructed with two living units under a single roof for occupancy by two families.

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes sanitary, sleeping and food preparation facilities.

Family. Defined for purposes of R1, R2 and MH Zones: Any number of individuals living together in a dwelling unit which are related by blood, marriage, or adoption, or up to and including three unrelated individuals. Defined for purposes of R3 and R4 Zones: Any number of individuals living together in a dwelling unit which are related by blood, marriage, or adoption, or up to and including four unrelated individuals.

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Lot. A parcel of land platted in a subdivision occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this article and having frontage upon or access to a street. Except for group dwellings, not more than one dwelling structure shall occupy any one lot.

Manufactured housing or manufactured home. A HUD-code manufactured home or a mobile home and collectively means and refers to both. The definition of mobile home, HUD-code manufactured home, and manufactured home as set forth in this section are binding on all persons and agencies in this state and under the jurisdiction of the city. For the purposes of this article, a mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home. Recreational vehicles, however, may be located and used only in approved recreational vehicle parks or approved manufactured home parks.

Mixed use. A zoning district where mixed retail/residential developments are allowed on the same property or in the same building. Retail stores, retail services, personal services, and banks and savings and loans are allowed on the first floor levels of buildings. Multi-residential housing consisting of studio, one bedroom, two bedroom, and three bedroom living units are allowed on the upper floors of buildings.

Mobile home. Structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis to be used as a dwelling with or without a permanent foundation when connected to the

required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Nursing home. An institution licensed by the State of Texas where those persons suffering from illness, injury, deformity, deficiency or age are given care or treatment on a prolonged or permanent basis.

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Tower, telecommunications. A self-supporting lattice, monopole, or guyed structure more than 20 feet (six meters) in height, built primarily to support one or more telecommunications antennas.

Trade or commercial school. A school, operated for profit, teaching vocational skills.

Utility, others not listed. Any utility facility franchised or approved by the city.

Utility shops or storage yards and buildings. An area or building used by utilities for the repair and/or storage of equipment, vehicles or supplies.

Work/live units. A work/live unit is a structure or a portion of a structure that combines a business use with a residential living use.

Wrecking or salvage yard for autos or parts. A tract of land devoted to wrecking, dismantling, or salvage operations where automobiles, other vehicles and/or machinery are subject to being dismantled, compacted, or similarly processed. All such operations, inclusive of storage of vehicles, shall be completely enclosed by a wall at least eight feet in height, except for a maximum of two gates no more than 20 feet wide.

(1962 Code, § 11-2-7; Ord. 99036, passed 10-25-99; Ord. 2001-15, passed 8-13-01; Ord. 2003-11, passed 5-12-03; Ord. 2009-20, § I, passed 8-10-09; Ord. 2010-12, passed 5-17-2010; Ord. 2014-27, § I, passed 4-23-2014)

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§ 15-6-29. WORK/LIVE UNITS.

(A) Within the C-3 Central Business District, incidental residential uses known as “work/live units” are permitted. A work/live unit means a structure that combines a business use, as permitted in the C-3 Central Business District, with a residential living use.

(B) Any structure containing a “work/live unit” shall satisfy the following requisites:

(1) Any structure or portion of a structure must comply with all applicable City of Kingsville ordinances, including all building codes.

(2) The living area of each “work/live unit” shall provide at least one exit which does not require persons to exit through the work area.

(3) All residential areas in a “work/live unit” shall be at least 150 square feet, exclusive of kitchen, bath, closets and hallways in the “work/live unit.”

(4) A minimum of the front 50% square footage of a street-level floor must be dedicated exclusively to commercial uses as allowed in the C-3 Central Business District.

§ 15-6-30. DWELLING ABOVE BUSINESS.

(A) Within the C-3 Central Business District, dwellings above businesses are permitted.

(B) Any structure containing a dwelling above a business shall satisfy the following requisites:

(1) Any structure or portion of a structure must comply with all applicable City of Kingsville ordinances, including all building codes.

(2) Multi-family dwellings are only allowed on the second or third floor of the structure.

(3) Each living unit shall provide at least one exit which does not require persons to exit through the work area.

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APPENDIX A. - LAND USE CATEGORIES

Sec. 1. - Land use chart.

The following chart shall set out the land uses within the city:

P = Permitted

S = Special use permit required

X = Special review required

= Not permitted (absence of any symbol)

[Land Use Chart on the following pages]

Land Use Chart													
Land Use Description	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag	
Dwelling, one family det.	P	P	P	P	P	P	P	P				P	
Dwelling, one family att.		P	P	P		S	P					P	
Dwelling, two family		P	P	P		S	P						
Dwelling, multi-family			P	P		P	P	P					
Dwelling, above business								P					
Work/live units								P					
Boarding or rooming house				P			S	P	P				
Hotel or motel				P			S	P	P				
Dormitory				P									
Fraternity, sorority				P									
Mobile home/manufactured home park or mobile home/manufactured home on lot	S ¹	S ¹	S ¹	S ¹	P						S	S	S

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II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 14th day of March, 2016.

PASSED AND APPROVED on this the 28th day of March, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Effective Date: April 13, 2016