

CHAPTER 14

ZONING

ARTICLE 14.01 GENERAL PROVISIONS

ARTICLE 14.02 ZONING ORDINANCE

Sec. 14.02.001 Adopted

The zoning ordinance, Ordinance 2009-07-01, adopted by the city on July 21, 2009, as amended, is included at the end of this chapter as [exhibit A](#). Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting 2016 Code)

EXHIBIT A

ZONING ORDINANCE

ORDINANCE NO. 2009-07-01

AN ORDINANCE ESTABLISHING ZONING WITHIN THE CITY LIMIT OF THE CITY OF MEXIA, LIMESTONE COUNTY, TEXAS.

WHEREAS, the City of Mexia does not currently have a zoning ordinance to regulate the character of neighborhoods and growth of business and industry within the City; and

WHEREAS, a zoning ordinance would benefit the City and its citizens by protecting the character and makeup of an established neighborhood, as well as governing and controlling the growth of residential, commercial and industrial activity within the City; and

WHEREAS, any zoning ordinance to be passed by the City of Mexia should contain provisions necessary to insure that each and every citizen is able to fully utilize to his or her property in a reasonable manner and receive full value for his or her property in the event of a sale of the property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXIA, LIMESTONE COUNTY, TEXAS:

SECTION ONE

Each and every lot, tract or property within the city limits of the City of Mexia, Limestone County, Texas, shall be zoned for one or more of the use classification[s] as described in Exhibit "A" attached hereto and incorporated herein. (Ordinance 2009-07-01, sec. 1, adopted 7/21/09)

SECTION TWO

The zoning map attached to this Ordinance as Exhibit "B" and incorporated herein shall show the initial zoning class or classes to be applied to each lot, tract and property located within the city limits of the City of Mexia, Limestone County, Texas. (Ordinance 2009-07-01, sec. 2, adopted 7/21/09)

Editor's note—Exhibit "B" is not printed herein.

SECTION THREE

In the event a single lot, tract or piece of property is zoned differently from the majority of the surrounding lot[s], tracts or property, and sixty percent (60%) of the improvements on the property are destroyed, or the property becomes no longer usable for the purpose it was originally zoned for any other reason, then in that event, the zoning classification for that lot, tract or piece of property shall revert to the zoning classification of the majority of the other pieces of property surrounding the tract.

By way of example, in the event a welding shop classified as C-4 is located in a predominantly residential area where the majority of the properties are classed as R-1, and sixty percent (60%) of the welding shop is destroyed, or the building in which the welding shop is located is no longer usable as a welding shop for any other reason, then in that event, the property shall revert to a R-1 classification, being the predominant classification of the property surrounding the welding shop.

By way of additional example, if a residence classified as R-1 is located in an area where the majority of the surrounding properties are classified as industrial or C-3, and the residence or sixty percent (60%) of the residence is destroyed, or the residence has deteriorated to the point that it is no longer usable as a residence, then in that event, the zoning for the residential property shall revert to industrial, or C-3, being the classification of the majority of the property surrounding the residential tract.

(Ordinance 2009-07-01, sec. 3, adopted 7/21/09)

SECTION FOUR

Any property which is being used for a business purpose, or used different from the use or purpose that the property is zoned as [at] the date this zoning ordinance is adopted, may continue to be used, sold or utilized for that very use or purpose, or a similar purpose, until sixty percent (60%) of the improvements on the property have been destroyed, or the property becomes no longer usable for the varying [sic] purpose for any other reason. It is the express intent of this section to insure that citizens owning property at the time this ordinance is passed can continue to use their property for the existing purpose, or a similar purpose, and can be assured of their ability to sell the property for the existing purpose or a similar purpose until such time as the property is no longer reasonably capable of being used for that purpose due to destruction of substantially all of the improvements on the property, or some other reason. No variance shall be required for the continued use or sale of the property in accordance with this section. (Ordinance 2009-07-01, sec. 4, adopted 7/21/09)

SECTION FIVE

If an owner of a lot or parcel within the City is unable to sell that lot, tract, or parcel for the purpose zoned within 18 months after marketing the property to the public either individually or through a licensed realtor, then in that event, the owner of the property shall be entitled to a variance from

the Board of Adjustments on authorizing the sale or use of the property for the purpose it was being used for at the time the property was placed on the market for sale, or any other purpose in the same zoning class or in the nearest zoning class that will allow the sale of the property for its full market value. It is the express intent of this provision to insure that if an owner of a tract is unable to sell the property for the zoned purpose, the owner shall be entitled to a variance allowing the sale or use of the property for its existing purpose, or another purpose that will allow the owner to obtain the full market value of the property. (Ordinance 2009-07-01, sec. 5, adopted 7/21/09)

SECTION SIX

The zoning map attached hereto as Exhibit "B" [not printed herein] may be amended from time to time as necessary by the City Council of the City of Mexia, subject to the following requirements being met:

1. A proposed amendment to the zoning map may be presented to the City Council by the Planning and Zoning Commission.
2. Written notice of the proposed change is mailed by certified mail, return receipt requested, to the owners of each proposed affected property or properties, and all of the properties immediately adjacent to the property for which the zoning is to be changed setting forth the date and time at least three (3) weeks hence for a public hearing on the proposed zoning change.
3. A copy of the proposed change, setting [forth] the date of the public hearing has been published at least fifteen (15) days prior to the date of the public hearing in the Mexia Daily News, or other newspaper published and circulated in the City.
4. After the public hearing has been held, the proposed amendment is passed by a majority vote of the City Council of the City of Mexia, Limestone County, Texas.
5. In the event the zoning of a piece of property is changed, the owner of the affected property shall be entitled to all of the safeguards set forth in these Sections above, the same as if the property had been zoned in that manner in the zoning map attached to this Ordinance as Exhibit "B."

(Ordinance 2009-07-01, sec. 6, adopted 7/21/09)

SECTION SEVEN

Any owner of real property may request a variance from the Board of Adjustments. A request for a variance must be in writing and shall state in plain language the change or variance in zoning requested. The request may be written by the owner, and shall not require any certification by a surveyor or engineer. A copy of the zoning variance request must be mailed to all adjacent landowners with a notice of the date, time and place the variance request will be considered. A variance shall be granted upon a majority vote of the Board of Adjustments. A decision denying a request for a variance may be appealed to the District Court.

The test to be used in granting a variance shall be to allow the property owner a variance if the requested variance is reasonable, considering the character and use of the surrounding neighborhood, and the variance will not have a significant adverse effect on adjacent landowners.

(Ordinance 2009-07-01, sec. 7, adopted 7/21/09)

SECTION EIGHT

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person, entity, or corporation, or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance for [or] the application to such other persons, entities or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Mexia, in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision. (Ordinance 2009-07-01, sec. 8, adopted 7/21/09)

SECTION NINE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict. (Ordinance 2009-07-01, sec. 9, adopted 7/21/09)

SECTION TEN

This Ordinance shall become effective [in] accordance with State law and shall remain in full force and effect from and after the date of publication. (Ordinance 2009-07-01, sec. 10, adopted 7/21/09)

Exhibit A [ZONING DISTRICTS]

RESIDENTIAL ZONES

SECTION 501. RESIDENTIAL ZONES DEFINED

501.1 Residential zone. Allowable residential (R) zone uses shall be:

Division 1. The following uses are permitted in an R, Division 1 zone:

Single-family dwellings, public owned and operated parks, recreation centers, swimming pools and playgrounds, police and fire department stations, public and governmental services, public libraries, schools and colleges (excluding colleges or trade schools operated for profit), public parking lots, private garages, buildings accessory to the above permitted uses (including private garages and accessory living quarters), and temporary buildings.

Division 2. The following uses are permitted in an R, Division 2 zone:

Any use permitted in R, Division 1 zones and two-family dwellings.

Division 3. The following uses are permitted in an R, Division 3 zone:

All uses permitted in R, Division 2 zones, multiple-unit dwellings, such as apartment houses, boarding houses, condominiums and congregate residences.

SECTION 502. BULK REGULATIONS

502.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 502.1.

**TABLE 502.1
RESIDENTIAL (R) ZONE BULK REGULATIONS
(In feet, unless noted otherwise)**

Division	Minimum Lot Area/Site (square feet)	Maximum Density (dwelling units/acre)	Lot Dimensions		Setback Requirements			Maximum Building Height ^a	
			Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard		
1	a	35,000	1	125	150	25	10	30	35
	b	20,000	2	100	125	20	10	25	35
	c	10,000	4	75	100	20	5	25	35
	d	6,000	6	60	90	15	5	20	35
2	a	10,000	4	60	70	20	5	20	35
	b	6,000	6	60	70	15	5	20	35
3	a	6,000	8	60	70	15	5	20	35
	b	6,000	12	60	70	15	5	20	35

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

COMMERCIAL AND COMMERCIAL/RESIDENTIAL ZONES

SECTION 601. COMMERCIAL AND COMMERCIAL/RESIDENTIAL ZONES DEFINED

601.1 Commercial and commercial/residential zones. Allowable commercial (C) zone and commercial/residential (CR) zone uses shall be:

C Zone

Division 1. The following uses are permitted in a C, Division 1 zone:

Minor automotive repair, automotive motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities, business or financial services, convenience and neighborhood commercial centers (excluding wholesale sales), family and group day care facilities, libraries, mortuary and funeral homes, public and governmental services, police and fire department stations, places of religious worship, public utility stations, and restaurants.

Division 2. The following uses are permitted in a C, Division 2 zone:

Any uses permitted in C, Division 1 zones, and light commercial (excluding wholesale sales), group care facilities, physical fitness centers, religious, cultural and fraternal activities, rehabilitation centers, and schools and colleges operated for profit (including commercial, vocational and trade schools).

Division 3. The following uses are permitted in a C, Division 3 zone:

Any uses permitted in C, Division 2 zones, and amusement centers (including bowling alleys, golf driving ranges, miniature golf courses, ice rinks, pool and billiard halls, and similar recreational uses), automotive sales, building material supply sales (wholesale and retail), cultural institutions (such as museums and art galleries), community commercial centers (including wholesale and retail sales), health and medical institutions (such as hospitals), hotels and motels (excluding other residential occupancies), commercial printing and publishing, taverns and cocktail lounges, indoor theaters, and self-storage warehouses.

Division 4. The following uses are permitted in a C, Division 4 zone:

Any uses permitted in C, Division 3 zones, and major automotive repair, commercial bakeries, regional commercial centers (including wholesale and retail sales), plastic products design, molding and assembly, small metal products design, casting, fabricating, and processing, manufacture and finishing, storage yards, and wood products manufacture and finishing.

CR Zone

Permitted (commercial/residential) (CR) zone uses shall be:

Division 1. The following uses are permitted in a CR, Division 1 zone:

Any use permitted in a C, Division 1 zone and residential use permitted, except in the story or basement abutting street grade.

Division 2. The following uses are permitted in a CR, Division 2 zone:

Any use permitted in a C, Division 2 zone, and residential use permitted, except in the story or basement abutting street grade.

SECTION 602. BULK REGULATIONS

602.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 602.1.

TABLE 602.1

COMMERCIAL (C) AND COMMERCIAL/RESIDENTIAL (CR) ZONES BULK REGULATIONS

(in feet, unless noted otherwise)

Division	Minimum Lot Area (square feet)	Maximum Density (units/acre)	Lot Dimensions		Setback Requirements			Maximum Building Height ^a
			Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	
1	6,000	12	30	70	0	0	0	30
2	Not applicable	Not applicable	30	70	0	0	0	40
3	Not applicable	Not applicable	75	100	0	0	0	50
4	Not applicable	Not applicable	75	100	0	0	0	50

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

FACTORY/INDUSTRIAL ZONES

SECTION 701. FACTORY/INDUSTRIAL ZONES DEFINED

701.1 FI zones. Allowable factory/industrial (FI) zone uses shall be:

Division 1. Any light-manufacturing or industrial use, such as warehouses, research or testing laboratories, product distribution centers, woodworking shops, auto body shops, furniture assembly, dry cleaning plants, places of religious worship, public and governmental services, machine shops, and boat building storage yards.

Division 2. Any use permitted in the FI, Division 1 zone and stadiums and arenas, indoor swap meets, breweries, liquid fertilizer manufacturing, carpet manufacturing, monument works, and a regional recycling center.

Division 3. Any use permitted in the FI, Division 2 zone and auto-dismantling yards, alcohol manufacturing, cotton gins, paper manufacturing, quarries, salt works, petroleum refining, and other similar uses.

SECTION 702. BULK REGULATIONS

702.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 702.1.

TABLE 702.1

FACTORY/INDUSTRIAL (FI) ZONE BULK REGULATIONS

(in feet, unless noted otherwise)

Division	Minimum Lot Area (square feet)	Maximum Density (units/acre)	Lot Dimensions		Setback Requirements			Maximum Building Height ^a
			Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	
1	Not applicable	Not applicable	50	75	0	0	0	60
2	Not applicable	Not applicable	75	100	0	0	0	80
3	Not applicable	Not applicable	100	150	0	0	0	80

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

(Ordinance 2009-07-01, exh. A, adopted 7/21/09)