



CITY OF ROCKPORT

ZONING ORDINANCE NO. 1027

ENACTED APRIL 09, 1996

EXHIBIT A

AMENDMENTS

Amended May 9, 2000, Ordinance No. 1142
Amended September 11, 2001, Ordinance No.1189
Amended October 29, 2002, Ordinance No. 1229
Amended June 24, 2003, Ordinance No. 1250
Amended August 12, 2003, Ordinance No. 1255
Amended August 26, 2003, Ordinance No. 1254
Amended September 23, 2003, Ordinance No. 1264
Amended December 9, 2003, Ordinance No.1275
Amended February 24, 2004, Ordinance No. 1284
Amended April 13, 2004, Ordinance No. 1295
Amended January 27, 2004, Ordinance No. 1279
Amended March 22, 2011, Ordinance No.1534
Amended September 28, 2010, Ordinance No.1512
Amended January 25, 2005, Ordinance No. 1317
Amended April 12, 2005, Ordinance No. 1325
Amended April 24, 2007, Ordinance No. 1376

Amended January 8, 2008, Ordinance No.1418
Amended January 28, 2008, Ordinance No. 1421
Amended March 25, 2008, Ordinance No. 1425
Amended November 18, 2008, Ordinance No.1447
Amended July 14, 2009, Ordinance No.1456
Amended January 26, 2010, Ordinance No.1489
Amended August 17, 2010, Ordinance No.1506
Amended April 26, 2011, Ordinance No.1537
Amended July 26, 2011, Ordinance No.1541
Amended May 22, 2012, Ordinance No.1571
Amended October 23, 2012, Ordinance No.1592
Amended November 6, 2012, Ordinance No.1593
Amended January 22, 2013, Ordinance No.1598
Amended March 26, 2013, Ordinances 1600
Amended March 26, 2013, Ordinance No.1601
Amended March 26, 2013, Ordinance No.1602

ZONING ORDINANCE NO. 1027

CITY OF ROCKPORT, TEXAS

APRIL, 1996

PLANNING AND ZONING COMMISSION

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ZONING ORDINANCE

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Article 1

Title

This Ordinance shall be known as the Rockport Zoning Ordinance.

Article 2

Purpose

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health, safety and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its particular suitability for certain uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Article 3

Definitions

3.1 Tense, Gender and Number.

Words used in the present tense include the future, words in the singular include the plural, and works in the plural include the singular. Words used in the masculine include the feminine and words in the feminine include the masculine. The word “building” includes the word “structure”. The word “shall” or the word “must” is mandatory and not discretionary. The word “lot” may also be construed to mean “lots” where appropriate.

3.2 Words Defined.

Accessory Building. A subordinate building customarily incidental to and located on the same lot occupied by the main use or building. Accessory buildings may include, but not limited to, an attached or detached garage, garage apartment, wash house, hobby room, servants quarter/guest quarter, storage/utility shed, covered patio, well/well house and gazebo to name a few.

Accessory Living Quarters. An accessory use or building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling not rented or otherwise used as an independent dwelling unit.

Accessory Use. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to and customarily found in connection with such primary use.

Adult. As defined herein, a person who has attained a legal age of majority (i.e. 18 years of age).

Adult Entertainment. Adult entertainment uses are those uses providing sexually oriented entertainment for on-site consumption. Uses may include, but are not limited to, adult motion picture theaters, massage parlors, nude studios, modeling studios, nude photography studios, sex parlor, love parlor, adult movie/video arcade/store, adult motel. This definition also includes liquor-by-the-drink establishments and restaurant establishments where sexually orientated entertainment is offered.

Adult Stores. A retail establishment offering items for off-site consumption intended to provide sexual stimulation or sexual gratification, or purporting to enhance sexual activity.

Agriculture. The raising or growing of crops, fowl and/or livestock, providing such use does not constitute a nuisance or health hazard.

Alley. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

Apartment. A dwelling unit part of, or within an apartment building.

Apartment Building. A building containing three or more apartments.

Area of the Lot. The net area of the lot, not including portions of streets and alleys.

Bed & Breakfast. A lodging house, other than a hotel/motel, where for compensation and pre-arrangement for definite periods, meals and lodging are provided.

Block. A piece or parcel of land entirely surrounded by natural or man-made barriers such as public streets, streams, parks, etc. or a combination thereof.

Build. To erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

Building. Any structure used or intended for supporting or sheltering any use or occupancy. (Reference: The International Building Code.)

Building Line. The line established by law, beyond which a building shall not extend, except as specifically provided by law (Reference: The International Building Code).

Child Care Center. A child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week. (Reference: Tex. Human Resources Code § 42.002(7))

Child Care Home. A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not

include a home that provides care exclusively for any number of children who are related to the caretaker. (Reference: Tex. Human Resources Code § 42.002(9))

City. The City of Rockport, Texas.

Civic Club. A building, or portion thereof, used primarily by an association of persons to promote special purpose activities, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Clinic. A place where psychological or physiological care is furnished to persons on an out-patient basis by licensed providers.

Commission. The Planning and Zoning Commission of the City of Rockport, Texas.

Common Open Area. Private property owned in common by and designed for the private use of, the owners or occupants of residences in a particular project or subdivision. Common open area uses include, but are not limited to, recreation areas, parks and plazas, ornamental areas open to the general view within the project or subdivisions, and building setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.

Condominium. Shall have the same meaning as defined by Sec. 82.003 of the Texas Property Code.

Council. The City Council of the City of Rockport, Texas.

District. A part of the city wherein regulations of this ordinance are uniform.

Dwelling. A building or portion thereof designed or used for residential occupancy by not more than two families.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Efficiency Apartment. An apartment having a combination livingroom and bedroom (No separate bedroom).

Family. A person or persons, occupying a dwelling, living together and maintaining a common household.

Fence. A structure serving as an enclosure or barrier usually found near or around the boundary of property. The term fence may also include such structures as decorative lattice work, trellises, fence gates or projections of building walls.

Foster Group Home. A child-care facility that provides care for seven (7) to twelve (12) children for 24 hours a day. (Reference: Tex. Human Resources Code § 42.002(5))

Foster Home. A child-care facility that provides care for not more than six (6) children for 24 hours a day. (Reference: Tex. Human Resources Code § 42.002(6))

Hazardous Material. Any substance required by the U.S. Dept. of Transportation to have a Hazardous Material ID placard for transport.

Height of Building. The vertical distance from the grade to (a) the highest point on a flat roof, (b) the deck line of a mansard roof, or, (c) the mean height between the eaves and the ridge of a gable, hip or gambrel roof.

Home Occupation. An occupation or activity that is incidental and secondary to the primary use of a dwelling as a residence, not involving the conduct of a retail business, and conducted solely by an occupant of the residence. (See article 24 regarding Regulation of Home Occupations).

Hotel. Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests. Ingress and Egress to and from all rooms is usually made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns or club rooms, banquet halls, ballrooms, and meeting rooms which are physically part of and incidental to the main use.

HUD-Code Manufactured Home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8') body feet or more in width or forty (40') body feet or more in length, or when erected on site, is three hundred twenty (320 sq.ft.) or more square feet, and which is built on a permanent chassis and is designed 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. The term does not include recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrialized Housing/Buildings. A residential structure or commercial structure which is manufactured, constructed and erected in accordance with the regulations governing Industrialized Housing and Buildings, as published by the Texas Department of Licensing & Regulation, Manufactured Housing Division. See Modular Construction.

Living Area. The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts, porches and garages.

Lot. Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is occupied or intended to be occupied by one building or a group of buildings, and accessory buildings and uses, including such open spaces as required by this ordinance and other laws or ordinances, and having its principal frontage on a public street.

Lot Area. The area of land within the boundary of a lot, excluding any part under water.

Lot Lines. The lines marking the legally recorded boundary of a lot.

Manufactured Housing or Manufactured Home. This means a HUD-Code Manufactured Home or a Mobile Home and collectively means and refers to both.

Manufactured Home Park. A parcel or contiguous parcels of land divided into two or more manufactured home spaces and available on a rental basis. May coexist with a Recreational Vehicle Park.

Manufactured Home Subdivision. A parcel or contiguous parcels of land divided into two or more manufactured home lots and available for rent or for sale, with each manufactured home being located on a separate lot.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in traveling mode, is eight (8') body feet or more in width or forty (40') body feet or more in length, or, when erected on site, is three hundred twenty (320 sq. ft.) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities which includes the plumbing, heating, air-conditioning, and electrical system.

Modular Construction. A structure or building module that is manufactured at a location other than the location where it is installed and used by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling or permanent structure when installed and placed upon a permanent foundation system. See Industrialized Housing/Buildings.

Motel. Same as Hotel, except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

Multi-Family Dwelling. A building designed or used for the residential occupancy of three or more families living independently of one another.

Nonconforming Uses. A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Nursing Care. Services provided by nursing personnel which include but are not limited to: observation; promotion and maintenance of health; prevention of illness and disability; management of health care during acute and chronic phases of illness; guidance and counseling of individuals and families; and referral to physicians, other health care providers, and community resources when appropriate.

Nursing Facility/Home. An institution or establishment that provides organized and structured nursing care and service and is subject to licensure as a nursing home under Health and Safety Code, Chapter 242, and/or certified to participate in the Medicaid Title XIX program. Nursing home is also referred to as Nursing Facility. Depending on context, these terms are used to represent the management, administrator, or other persons or groups involved in the provision of care to the residents; or to represent physical building, which may consist of one or more floors or one or more units, or which may be a distinct part of a licensed hospital.

Plat. A map or drawing detailing the specifics of the division of land for the purposes of development. (Reference: Rockport Platting & Subdivision Regulations);

- *Concept Plan:* A map of proposed land development showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development.
- *Final plat:* A map of proposed land development prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lots and blocks, streets, alleys, public areas and other necessary or required information.

Portable Building. A moveable or portable building constructed to be towed by a motor vehicle, on its own frame or on a trucking device, which may be connected to utilities after mounting on a permanent foundation, or adequately anchored to the ground, and to be used as accessory for residential, business or commercial purposes.

Premises. Land together with all buildings and structures thereon.

Recreational Vehicle. Abbr. RV. A vehicle which is built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towable by a light duty vehicle; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle Park. Abbr. RV park. A parcel or contiguous parcels of land divided into two or more recreational vehicle spaces and available on a rental basis. May coexist with a Manufactured Home Park.

Screening Fence. A fence constructed of sufficient solid material to screen a premise effectively from view of the traveling public.

Setback. The required distance between every structure and building, and any lot line on the lot or lots upon which the structure or building is located.

Sexually Orientated Entertainment. Sexually orientated entertainment is the offering of a service or the selling, renting or exhibiting of devices, or any other items or services intended to provide sexual stimulation or sexual gratification to the customer.

Shipping Container: A containment receptacle which is used or designed to be used in intermodal or over-the-road shipping that consists of a truck trailer body that may be detached from the chassis for loading onto a ship or other vessel, a rail car, or stacked in a container depot; and does not exceed 40 feet in length, 9 feet in height and 9 feet in width. Such container when used for industrialized buildings shall comply with the State of Texas Industrialized Housing and Building Act.

Single-Family Dwelling. A building designed and arranged exclusively for the use and occupancy of one family.

Street. An improved public thoroughfare, which affords the principal means of access between various land use activities. (Reference: Rockport Platting & Subdivision Regulations);

- a) Arterial: Streets which are principal traffic arteries more or less continuous across the city which are intended to connect remote parts of the city and which are used primarily for fast or heavy volume traffic.
- b) Collector: Streets which collect and carry traffic from residential streets to major systems of streets and highways, including the principal entrance streets of residential or nonresidential development and similar streets for circulation within such a development.
- c) Residential: Streets which are used primarily for access to abutting properties and which are intended to serve traffic within a limited district or area.

- d) **Marginal access:** A street (frontage or service road) that may be parallel to and adjacent to all streets, which provide access to abutting properties and protection from through traffic.
- e) **Alley:** A public passage or public right-of-way affording a secondary means of vehicular access to abutting property but not intended for through traffic.

Structure. Anything constructed or erected, which requires a location on the ground, or attached to something having a location on the ground.

Subdivision. A subdivision is the division of any lot, tract or parcel of land into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale or division of ownership. This definition also includes the re-subdivision of land or lots which are a part of a previously recorded subdivision. An addition is a subdivision as is defined herein.

Townhouse. One of a series of single-family dwelling units which are either structurally connected, or which are constructed immediately adjacent to each other without side yard between the units, and with property lines separating such units. The term “townhouse” and “townhomes” may be interchangeable.

Trailer. See Recreational Vehicle.

Two-Family Dwelling. A building designed and arranged exclusively for the use and occupancy of two families living independently of each other. A duplex dwelling.

Motor Vehicle Sales Lot. A lot or portion thereof to be used only for the display and sale of titled motor vehicles that are in condition to be driven on or off the lot. A motor vehicle sales lot shall not be used for the storage of wrecked motor vehicles, or the dismantling of motor vehicles, or the storage of motor vehicle parts.

Vision Triangle. That area created by a straight line from the points of the two intersecting right-of-way lines 20 feet back from their common intersection.

Yard. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in these regulations.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto. Projections of the usual uncovered steps, terraces, decks, porches, entranceways or roof eaves as addressed within these regulations, are allowed. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except that if the lot is square, i.e., has dimensions where the shorter side is at least 90% or more of the longer side, then the front yard may face either street. Lots with double frontage (through lots) must have the required front yard on both streets. This requirement shall not apply to existing lots of record.

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto. Projections of the usual uncovered steps, terraces, decks, porches, entranceways or roof eaves, as addressed within these regulations, are allowed (see Article 21 for accessory uses).

Yard, Side A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and a line parallel thereto. Projections of the usual uncovered steps, terraces, decks, porches, entranceways or roof eaves, as addressed within these regulations, are allowed (see Article 21 for accessory uses).

Zero Lot Line. A lot on which there is no minimum side yard on one side, but not less than 10 (10) feet on the opposite side.

Zoning Administrator. The city employee designated to be responsible for the administration of the Zoning Ordinance regulations.

Article 4

Districts and General Provisions

4.1 Districts Established. Zoning districts as herein set forth are established. The city is hereby divided into the following districts:

R-1	1 st Single Family Dwelling District
R-2	2 nd Single Family Dwelling District
R-2B	Zero Lot Line Single Family District
R-2M	Manufactured Housing District
R-3	Duplex Dwelling District
R-4	1 st Multi-Family Dwelling District
R-5	2 nd Multi-Family Dwelling District
R-6	Hotel/Motel District
R-7	Residential and office District
B-1	General Business District
B-2	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P.U.D.	Planned Unit Development District

The boundaries of the districts listed above are shown on the official Zoning Map. The map and all markings, notations, references and other information shown on said map shall be and are hereby made a part of this ordinance as if all were fully set forth or described herein. The original drawing of this map, properly signed and attested, is on file with the City Secretary.

4.2 General Provisions.

4.2.1 Except as herein provided, the use of premises and buildings, the lot area and height of buildings in the city shall be in accordance with the minimum standards hereinafter established.

4.2.2 Except as provided in subsections (a) & (b) below, every building shall be on a platted lot.

(a) Development within R-4 through I-2 districts, except one and two family dwellings, incorporating multiple buildings to be constructed simultaneous, platted lots for each building is not required.

(b) Re-plating is not required when an improvement (including any detached structure) crosses a lot line(s) for single-family dwelling uses in R-1 through R-6 districts only. When a building or detached structure crosses a lot line(s), building set backs shall be measured to the next lot line of record. In no case shall this exception apply to more than four (4) lots without re-plating.

(c) Re-plating is required when an improvement (including any detached structure) violates any applicable building setback or open yard requirement as regulated herein.

4.2.3 The provisions in 4.2.2 shall not affect the validity of any deed restriction that is otherwise valid.

4.2.4 When streets and rights-of-way are closed and abandoned by the City that portion of street or right-of-way area adjacent to the real property shall thereafter become the zoning designation of said adjacent property upon platting or re-platting of the closed street or right-of-way.

4.2.5 Yards, parking space or lot area required for one building or use cannot be used for another building or use; nor can the size of a lot be reduced below the requirements of this ordinance.

4.2.6 Mobile Homes, as defined, are prohibited within the city limits of the City of Rockport on individual lots unless such mobile home existed prior to annexation.

4.2.6.1 Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home.

4.2.6.2 A one time replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size (square footage) or greater and be a newer model.*

4.2.6.3 Manufactured Homes damaged by fire or natural disaster may always be replaced with another HUD-Code Manufactured Home meeting the same criteria described in 4.2.6.2.

* **NOTE:** Newer model means a manufactured home built and identified by the manufacturer as the next years' model to the manufactured home being replaced.

4.2.7 Utility distribution facilities and appurtenances, including water, sewer, electric, gas, telephone and cable television, may be permitted in any district. Wind power generation facilities shall comply with *Wind Powered Systems* in Article VI, Chapter 42, Rockport Code of Ordinances.

4.2.8 For fence regulations in all Districts of the City, see Section 22.2.

4.2.9 In interpreting and applying these provisions, they shall be held to be the minimum requirements for the protection of the public safety, health, convenience, comfort, prosperity and general welfare.

4.2.10 This ordinance shall be reviewed on an annual basis by the Planning & Zoning Commission and city staff or legal and technical compliance with local, state and federal laws, with the intent to include sound zoning concepts and practices. Furthermore, this ordinance shall be thoroughly reviewed and completely reorganized, if necessary, at least every five (5) years. Such reorganization shall reflect compliance with the master plan, local, state, and federal laws and other laws and regulations governing zoning within the City of Rockport.

4.2.11 See Article II, Chapter 6, Rockport Code of Ordinances for sign regulations in all zoning districts.

Article 5

Newly Annexed Territory

5.1 Temporary Zoning

5.1.1 Land annexed to the city is automatically placed in the R-1 District until changed by amendment to this ordinance on initiative of the city in accordance with Article 26, unless annexed under terms of Article 19 or under terms of the Subdivision Ordinance or where pre-existing conditions may be considered at time of annexation.

5.1.2 In an annexed area temporarily classified as R-1, no permit for the construction of a building other than those permitted in an R-1 District shall be issued by the Building Official unless such permit has been specifically authorized by the City Council subject to the following:

1. An application for any use shall be made to the Building Official in accordance with the provisions of the Building Code.
2. Applications for buildings other than those permitted in an R-1 District shall be referred by the Building Official to the Planning and Zoning Commission for consideration and recommendation to the City Council.
3. The recommendation to the City Council shall be advisory only, and the City Council may grant or deny the application as the facts may justify.

Article 6

R-1 1st Single Family Dwelling District

6.1 Use Regulations. The purpose of this district is to provide for low density residential areas and to protect and conserve them permitting only such accessory and supporting uses as are compatible with the primary purpose of one-family residential use. The district also functions as a holding district, where land is not yet developed or committed for other use. Land and premises may be used only for:

1. One-family dwellings (see Article 24 regarding Industrialized Housing).
2. Public parks, public buildings (except detention centers, penal and mental institutions).
3. Churches, schools and colleges.
4. Golf courses and golf clubs, but no commercial miniature courses or driving ranges.
5. Oil, gas and service wells provided they comply with the Rockport Oil and Gas Well Drilling Ordinance, as amended.
6. Bed and breakfast, by CUP.
7. Agricultural purposes.
8. Cemeteries in accordance with state law.
9. Child nurseries or pre-kindergarten schools, by CUP.
10. The keeping and raising of farm animals or non-domestic animals, by CUP. Agricultural land annexed into the City is exempt where such uses existed at time of annexation.
11. Wind powered systems in accordance with Article VI., Chapter 42, Rockport Code of Ordinances.

6.2 Area & yard Regulations.

6.2.1 Area of the Lot. The minimum area of the lot shall be seven thousand (7,000) square feet. See Table 20.

6.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

6.2.3 Area of the Dwelling. The minimum living area of the dwelling shall be eight hundred (800) square feet. See Table 20.

6.2.4 Yard Areas & Building Setback. See Table 20.

6.3 Height of the Building. No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

6.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

6.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 7

R-2 2nd Single Family Dwelling District

7.1 Use Regulations. The purpose of this district is to provide a residential district with smaller lot sizes in keeping with established standards in certain parts of the city, but which will provide the same residential environment as the 1st Single Family Dwelling District. Land and premises may be used only for:

1. Uses 1 through 8 in an R-1 district.

7.2 Area & Yard Regulations.

7.2.1 Area of the Lot. The minimum area of the lot shall be five thousand (5,000) square feet. See Article 20.

7.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

7.2.3 Area of the Dwelling. The minimum living area of the dwelling shall be six hundred (600) square feet. See Table 20.

7.2.4 Yard Area & Building Setbacks. See Table 20.

7.3 Height of the Building. No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

7.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

7.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 8

R-2B Zero Lot Line Single Family Dwelling District

Section 1. Use Regulations. The purpose of this district is to provide a residential area which will allow for zero lot line construction with all buildings limited to single family dwellings. Each unit shall be constructed on a privately-owned individual lot with a minimum of eight (8) lots being developed within an R-2B district. (Maximum density shall be determined by Article 20 of the Rockport Zoning Ordinance). Land and premises may be used only for:

1. Use 1 through 6 in an R-1 District.

Section 2. Area & Yard Regulations.

1. Area of the Lot.

The minimum area of the lot shall be five thousand (5,000) square feet. See Article 20.

2. Width of the Lot.

The minimum width of the lot shall be fifty (50) feet. See Table 20.

3. Area of the Dwelling.

The minimum living area of the dwelling shall be six hundred (600) square feet. See Table 20.

4. Yard Area and Building Setbacks.

See Table 20 for yard regulations.

Section 3. Height of the Building.

No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

Section 4. Parking Regulations.

Parking regulations for permitted uses as contained in Article 21.

Section 5. Accessory Use Regulations.

Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 9.

R-2M Manufactured Housing District

9.1 Use Regulations. The purpose of this district is to provide residential zoning for both HUD-Code Manufactured Housing and site built homes while providing the same environment found in the 2nd Single-Family Dwelling District. Land and premises may be used only for:

1. HUD-Code Manufactured Housing.
2. Use 1 in an R-2 district.

9.2 General Standards. HUD-Code Manufactured Homes shall comply with the standards of the United States Department of Housing and Urban Development and the Texas Manufactured Housing Standards Act concerning manufactured housing stock. Mobile Homes, as defined, are prohibited within this district unless such mobile home existed prior to annexation. Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home. Replacement of an existing HUD-Code Manufactured Home may be with a HUD-Code Manufactured Home of equal size (square footage) or greater and be a newer model.*

* **NOTE:** Newer model means a manufactured home built and identified by the manufacturer as the next years' model to the manufactured home being replaced.

9.3 R-2M Manufactured Housing District Specifications. The R-2M district shall consist of at least two (2) acres in size.

9.3.1 Development of the proposed district shall be in accordance with the city's platting and subdivision regulations regarding manufactured housing subdivisions.

9.3.2 All manufactured homes in the district shall be installed on HUD approved foundations and shall be enclosed with approved skirting.

9.4 Area & Yard Regulations.

9.4.1 Area of the lot: The minimum area of the lot shall be five-thousand (5,000) square feet.

9.4.2 Width of the lot: The minimum width of the lot shall be fifty (50) feet.

9.4.3 Area of the Dwelling: The minimum living area of a site built dwelling shall be six hundred (600) square feet. The minimum living area of a manufactured home shall be in accordance with the Texas Manufactured Housing Standards Act (currently 320 sq. ft.).

9.4.4 Yard Areas & Building Setback: Shall be the same as the R-2 district.

9.4.5 Height of the Building: No building or structure shall exceed thirty-five (35) feet in height.

9.4.6 Parking Regulations: Parking regulations for permitted uses shall be the same as in the R-2 district.

9.4.7 Auxiliary Use Regulations: Auxiliary uses, which are auxiliary or incidental to the primary use, shall be the same as in the R-2 district.

9.5 Auxiliary Use Regulations. Auxiliary uses which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 10

R-3 Duplex Dwelling District

10.1 Use Regulations. The purpose of this district is to provide for duplex uses on single lots and multiple lots meeting the lot area per family requirements of Article 20, Table 20. In addition to the previous listed uses in an R-2 district, land and premises may be used for:

1. Two-family dwellings.

10.2 Area & Yard Regulations.

10.2.1 Area of the Lot. The minimum area of the lot for duplex dwellings shall be seven thousand (7,000) square feet with thirty-five hundred (3,500) square feet needed per dwelling unit. The minimum area of the lot for single family dwellings shall be the same as required in an R-2 district. See Article 20.

10.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

10.2.3 Area of the Dwelling. The minimum living area of the dwelling shall be five hundred (500) square feet per dwelling unit. See Table 20.

10.2.4 Yard Areas & Building Setback. See Table 20.

10.3 Height of the Building. No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

10.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

10.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 11

R-4 1st Multi-Family Dwelling District

11.1 Use Regulations. The purpose of this district is to provide an area where multi-family dwellings may be built to low density. Land and premises may be used for:

1. Uses 1 through 6 in an R-1 district.
2. Use 1 in an R-3 district.
3. Multi-family dwelling, apartments and condominiums.
4. Civic clubs, lodges, fraternities or sororities, except those whose chief activity is providing a type of service or activity normally considered to be the operation of a business.
5. Bed and breakfast.
6. Nursing homes.
7. Religious, educational and philanthropic institutions.

11.2 Area & Yard Regulations.

11.2.1 Area of the Lot. The minimum area of the lot for duplex dwellings shall be thirty-five hundred (3,500) square feet per dwelling unit. The minimum area of the lot for single family dwellings shall be the same as required in an R-2 district. See Article 20.

11.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

11.2.3 Area of the Dwelling. The minimum living area of the dwelling shall be five hundred (500) square feet per dwelling unit. See Table 20.

11.2.4 Yard Areas & Building Setback. See Table 20.

11.3 Height of the Building. No Building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

11.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

11.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 12

R-5 2nd Multi-Family Dwelling District

12.1 Use Regulations. The purpose of this district is to provide an area where multi-family dwellings may be built to moderate density. Land and premises may be used only for:

1. Uses a listed for an R-4 district.

12.2 Area & Yard Regulations.

12.2.1 Area of the Lot. The minimum area of the lot for multi-family dwellings shall be twenty-two (2,200) square feet per dwelling unit. The minimum area of the lot for single family dwellings shall be the same as required in an R-2 district. See Article 20.

12.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

12.2.3 Area of the Dwelling. The minimum living area of the dwelling shall be five hundred (500) square feet per dwelling unit. See Table 20.

12.2.4 Yard Areas & Building Setback. See Table 20.

12.3 Height of the Building. No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

12.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

12.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 13

R-6 Hotel/Motel District

13.1 Use Regulations. The purpose of this district is to provide suitable locations for hotels and motels. Land and premises may be used for:

1. Uses listed for an R-5 district.
2. Hotels and Motels.
3. Retail shops, restaurants, clubs and lounges when not established within a hotel/motel building, by CUP.

13.2 Area & Yard Regulations.

13.2.1 Area of the Lot. Does not apply for hote/motel use only. The minimum area of the lot for single family dwellings shall be the same as required in an R-2 district. See Article 20.

13.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

13.2.3 Area of Hotel/Motel Rooms. The minimum living area of the rooms shall be one hundred fifty (150) square feet per room. See Table 20.

13.2.4 Yard Areas & Building Setback. Where a hotel/motel abuts a Residential District, a side and/or rear yard must be provided along the boundary line but shall not be less than ten (10) feet. For hotels/motels, egress and ingress must be provided from a main street. Five percent (5%) of the square footage of the site must be left free of structures to be used for beautification/landscaping. See Table 20.

13.3 Height of the Building. No building shall exceed forty five (45) feet in height. See Article 3-Definitions and Article 20.

13.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

13.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 14

R-7 Residential and Office District

14.1 Use Regulations. The purpose of this district is to provide an area where professional offices and office buildings may locate and be compatible with dwellings or structures located within or adjacent to the district. Land and premises may be used for:

1. Uses listed for an R-6 district.
2. Office buildings provided the following conditions are met:
 - a. No building may be constructed or altered to produce a store front, show window or display window.
 - b. No storage or merchandise in the building or on the premises.
 - c. No machinery or equipment, other than that customarily found in professional or business offices, used or stored in the building or on the premises.
3. Financial Institutions.
4. Studios (provided conditions in item 2 are met).
5. Penal institutions and detention centers, by CUP.
6. Clinics or hospitals.
7. Radio, television or communications tower (transmitting dish antenna), by CUP. Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) requirements are satisfied. Refer to Article 24 for Special Conditions.

14.2 Area & Yard Regulations.

14.2.1 Area of the Lot. The minimum area of the lot shall be five thousand (5,000) square feet. See Article 20.

14.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

14.2.3 Area of the Building. The minimum living area of the dwelling shall be five hundred (500) square feet. See Table 20.

14.2.4 Yard Area & Building Setbacks. See Table 20.

14.3 Height of the Building. No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

14.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

14.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 15

B-1 General Business District

15.1 Use Regulations. The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.
2. Offices, banks, libraries, museums, etc.
3. Service stations, car washes, laundromats.
4. Malls, shopping centers, retail stores.
5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
6. Grocery stores, convenience stores, markets.
7. Retail markets (seafood/meat) and bait stands.
8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs & lounges, etc.
9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).
10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).
11. Storage buildings, auto storage yards.
12. Animal hospitals, boarding kennels and grooming shops.
13. Mortuaries and funeral homes.
14. Agricultural services, greenhouses and landscaping services.
15. Outdoor welding, fabricating operations, by CUP.
16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.
17. Fish houses, seafood processing plants, by CUP.
18. Adult entertainment, by CUP.

15.2 Area & Yard Regulations.

15.2.1 Area of the Lot. None required for non-dwelling uses. For dwelling uses, See Table 20.

15.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See Table 20.

15.2.3 Area of the Building. For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See Table 20.

15.2.4 Yard Area & Building Setbacks. See Table 20

15.3 Height of the Building. No building shall exceed forty five (45) feet in height. See Article 3-Definitions and Article 20.

15.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

15.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 16

B-2 Central Business District

16.1 Use Regulations. The purpose of this district is to define the downtown commercial and business area. The principal difference in this district and the B-1 General Business District is that buildings may be built to the front property lines. Basically, this district encompasses the older downtown commercial and business structures. Arrangement and construction of structures make it impractical to require off-street parking and loading spaces for each business on its own lot. Land and premises may be used for:

1. All uses listed for a B-1 district.
2. Residential uses are permitted under the same provisions of the R-1 through R-7 Districts.

16.2 Area & Yard Regulations.

16.2.1 Area of the Lot. None required for non-dwelling uses. For dwelling uses, see Table 20.

16.2.2 Width of the Lot. None required for non-dwelling uses. For dwelling uses, see Table 20.

16.2.3 Area of the Building. None required for non-dwelling uses. For dwellings, see Table 20.

16.2.4 Yard Areas & Building Setback. See Table 20.

16.3 Height of the Building. No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

16.4 Parking Regulations. No off-street parking or loading spaces are required for this district. See Article 21 for general parking regulations.

16.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22.

Article 17

I-1 Light Industrial District

17.1 Use Regulations. The purpose of this district is to provide suitable areas for storage and distribution uses. In this district land and premises may be used for any purpose except that no building may be used for any dwelling or residential use; however, dwellings or manufactured housing for resident watchmen or caretakers employed on the premises are permitted; and excepting those uses enumerated in Article 22 thereof, for which a special permit is required. Land and premises may be used for:

1. All non-dwelling uses listed in a B-1 or B-2 district.
2. Food products and beverage products, storage and distribution thereof.
3. General storage and distribution of products, goods and services.
4. Apparel and other finished clothing products.
5. Transportation equipment, boat, trailer, and R.V. repair and service.
6. Unclassified uses, but not limited to such products and usages as: Animal stables and commercial animal raising; building materials, recycling collection centers, storage and sales thereof; circus grounds; laboratories, research and experimental.

17.2 Area & Yard Regulations.

17.2.1 Area of the Lot. None required for this district. See Table 20.

17.2.2 Width of the Lot. None required for this district. See Table 20.

17.2.3 Area of the Dwelling. For resident watchmen or caretaker's quarters. See Table 20.

17.2.4 Yard Areas & Building Setback. See Table 20.

17.3 Height of the Building. No building shall exceed forty five (45) feet in height. See Article 3-Definitions and Article 20.

17.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21.

17.5 Accessory use Regulations. Accessory uses, which are auxiliary or incidental to the Primary use of a building or premises, as contained in Article 22.

Article 18

I-2 Heavy Industrial District

18.1 Use Regulations. The purpose of this district is to provide suitable areas for manufacturing and production services. In this district land and premises may be used for any purpose except that no building may be used for any dwelling or residential use; however, dwellings or manufactured housing for resident watchmen or caretakers employed on the premises are permitted; and excepting those uses enumerated in Article 23, for which a special permit is required. Land and premises may be used for:

1. Any use listed for an I-1 district.
2. Chemicals, petroleum, coal and allied products.
3. Clay, stone, and glass products.
4. Food & beverage products and the manufacture thereof (fish houses, seafood processing plants).
5. Metals and metal products.
6. Textiles, fibers and bedding.
7. Wood and paper products.
8. Unclassified uses, but not limited to such products and usages as: Animal stables and commercial animal raising; building materials, storage and sales thereof; circus grounds; construction shops and storage yards; greenhouses, wholesale; laboratories, research and experimental; leather tanning plant; produce storage warehouse; wholesale storage and distributors; ordinance, munitions and accessories.

18.2 Area & Yard Regulations.

18.2.1 Area of the Lot. None required for this district. See Table 20.

18.2.2 Width of the Lot. None required for this district. See Table 20.

18.2.3 Area of the Dwelling. For resident watchman or caretaker's quarters. See Table 20.

18.2.4 Yard Areas & Building Setback. See Table 20.

18.3 Height of the Building. No building shall exceed forty five (45) feet in height. See Article 3-Definitions and Article 20.

18.4 Parking Regulations. Parking Regulations for permitted uses as contained in Article 21.

18.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained n Article 20.

Article 19

Planned Unit Development District (PUD)

19.1 The purpose of a Planned Unit Development District (PUD) is to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations.

19.2 Intent. These regulations are intended to permit latitude in the development of a building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community.

19.3 PUDs Allowed. Planned unit developments shall be allowed in any zoning district as an overlay zone to the zoning district in which it is located. Compliance with the regulations of this article in no way excuses the developer from the applicable requirements of a zoning or subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the PUD.

19.3.1 Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use district without requiring a Special Permit.

19.3.2 The use of HUD - Code manufactured housing is permitted within a PUD district provided such housing meets the requirements established by the Texas Dept. of Licensing & Regulation, Manufactured Housing Division.

19.4 Application. The owner of any tract of land may apply for and request a rezoning as a PUD. A proposed site plan shall be submitted indicating density of residential, commercial and/or industrial areas, along with the location of all proposed streets, alleys, protective screening and open spaces. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application.

19.5 Review by Administrative Official. After determining that the application is complete, the administrative official shall contact the chairman of the Planning & Zoning Commission. The chairman shall then schedule a joint public hearing with both the Planning & Zoning Commission and City Council in accordance with Article 26 of Rockport Zoning Ordinance No. 1027.

19.6 Joint Public Hearing. After appropriate notice in accordance with Article 26 of Rockport Zoning Ordinance No. 1027, a joint public hearing with the Planning & Zoning Commission and City Council on each request for approval of a PUD shall be heard. During the joint public hearing pertinent comments by the applicant(s), city staff and public testimony given shall be considered. After the close of the joint public hearing, the Planning & Zoning Commission shall deliberate the PUD application at its own scheduled meeting.

19.7 Review and Action by the Planning & Zoning Commission. At a scheduled meeting, the Planning & Zoning Commission shall consider the application, any pertinent comments by the applicant(s), city staff, other relevant support materials and after reviewing the site plan in accordance with the criteria listed in this section

and reviewing all pertinent information, the Commission shall recommend that the City Council rezone to PUD, subject to approval of the submitted site plan; recommend that the City Council rezone to PUD, subject to modifications to the submitted site plan; or recommend that the City Council deny the request.

19.8 Review and Action by City Council. At a scheduled meeting, the City Council shall consider the recommendations from the Planning and Zoning Commission regarding each PUD application. The City Council shall further discuss any pertinent comments by the applicant(s), city staff, and after reviewing the site plan in accordance with the criteria listed in this section and reviewing all pertinent information, shall rezone to PUD, subject to the submitted site plan; rezone to PUD, subject to modifications to the submitted site plan; or deny the request. In granting such PUD, the City Council may impose or amend all conditions recommended by the Planning and Zoning Commission. The Council may attach such conditions to a PUD approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of use approval, and hours of operation of the planned unit development.

19.9 Amendment. A planned unit development granted under these provisions shall be considered as an amendment to this Ordinance as applicable to such property.

19.10 PUD Concept Plan as Preliminary Plat. After approval of a PUD by the City Council, the Planning and Zoning Commission is hereby authorized to accept a PUD site plan as a preliminary plat, if required. A final PUD will be handled as would any final plat.

19.11 Expiration of Approval. Approval of any PUD site plan shall be void if construction has not begun within one year from the time of approval of the PUD. A new application, as for an original request for PUD, shall be submitted for re-approval.

19.12 Site Plan Modifications. In no case shall an approved PUD site plan be amended nor is the area of the total PUD reduced once a portion has been constructed without first resubmitting the changes as a new application for site plan approval, as appropriate.

19.13 General Criteria. A PUD concept plan shall be approved only if the following general criteria are all met.

1. The proposal is consistent with the City's Comprehensive Plan.
2. No PUD shall have area less than two and one-half (2.5) acres unless recommended by the Planning & Zoning Commission and approved by the City Council as adequate for the proposed development.
3. The PUD is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of the otherwise applicable zoning district standards.
4. The proposed plan mitigates any potential significant adverse impacts to the maximum practical extent.

5. The height of buildings in PUD districts shall conform to Article 20 of Rockport Zoning Ordinance No. 1027. In determining the height of buildings in the Rockport Heritage District, Article 20 does not apply. However, no building shall be higher than seventy-four (74) feet as measured to the highest occupied floor.
6. The arrangement of structures and open spaces within the development site shall be as necessary to ensure that adjacent properties will not be adversely affected and that the development is planned as an attractive and functional asset for the community.
7. The street, drainage and utility systems shall be designed to accommodate the overall demand of the PUD and to meet minimum requirements as set out in the City of Rockport Design Standards and the Master Drainage Plan.
8. The size, location, design and nature of signs, if any, and the design, intensity and direction of area lighting or floodlighting, if any, shall comply with the requirements of the City's Sign Ordinance and the City's Lighting Ordinance.
9. Provision shall be made for ownership and maintenance of common open space through protective covenants running with the land, deed or trust, or other similar mechanism; or may be dedicated to the public as a park.

19.14 Residential PUD Density and Design Criteria. In addition to the above, specific density and design criteria for a residential PUD within existing residential zones shall be as follows:

1. The minimum lot size, lot widths and yard areas shall be established by the Planning and Zoning Commission in accordance with best planning practices.
2. Detached residential density shall not exceed 12 units per acre. Attached residential density shall not exceed 28 units per acre.
3. If mixed use, residential uses shall comprise 80 percent or more of the gross area of a mixed use development, with the remaining 20 percent or less being used for nonresidential uses, unless approved otherwise by the Planning & Zoning Commission.

19.15 Legislative Approvals. The legislative body, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to the following or to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.

5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

19.16 Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications so approved and in conformity with any conditions attached by the jurisdiction as to its approval.

19.17 The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

Article 20

District Area, Yard and height Regulations

20.1 Minimum Lot Areas and Widths. The purpose of regulating lot areas and lot sizes is to control the density of population and to achieve the degree of openness and livability desired for the community and, at the same time, permit reasonable and economic use of property.

20.1.1 No lot, parcel, premises or tract of land shall be created and no building permit shall be issued for any request that does not meet the appropriate minimum lot area and width regulations, or exceptions thereof, as set forth in Table 20 – Area and Height Regulations. Submerged land shall not be included when meeting these requirements.

20.1.2 Nonconforming lots or acreage of record are addressed in Article 25 of this document.

20.1.3 Lot area per dwelling unit requirements shall not apply to dormitories, retirement homes, nursing homes or similar facilities where no cooking facilities are provided in individual rooms or apartments.

20.1.4 Existing buildings or portions of buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be enlarged.

20.1.5 One-family detached dwellings built in B Districts must comply with minimum lot standards and densities of the R-2 District.

20.1.6 Two-family detached dwellings built in B Districts must comply with minimum lot standards and densities of the R-3 District.

20.2 Yard Area and Setback Requirements. Yard regulations are for the purpose of providing open spaces around buildings for light and air, for safety from fire and to provide a degree of order in the location of buildings in various districts. Minimum yard regulations established by this section are set forth in Table 20 – Area and Height Regulations.

20.2.1a Waterfront building lines. Channelized lots in all R-Districts where such are contiguous to or extend into developed or existing bays or waterways shall provide a minimum set-back of twelve (12) feet from the water side of the bulkhead. If no bulkhead, then a minimum set-back of 20 feet from the water's edge measured at mean high tide. Setbacks from other property lines shall govern as provided for within this Article. For purposes described herein, channelized lots shall be defined as bulkhead property touching or contiguous to a body of water, either man-made or natural.

20.2.1b For subdivisions platted and recorded prior to annexation by the City of Rockport, platted building lines addressing yard areas and building setback requirements shall control. If the plat contains no building lines, deed restrictions in effect at the time of annexation, shall control. If none of the above exists, the zoning restrictions of this article shall control.

20.2.2 In the R-2B district, each lot shall contain a private yard of not less than five hundred (500) square feet. Parking areas shall not be included in the computation of the required private yard area. A private yard may contain a patio cover or a roof which does not protrude beyond the required building setback lines.

20.2.3 In the R-2B district there shall be no minimum side yard on one side and not less than ten (10) feet on the opposite side. A side yard adjacent to a side street shall not be less than fifteen (15) feet from the property line.

20.2.4 In the R-2B district, garages or carports having direct access to a rear alley or common driveway shall be set back from the rear lot line not less than ten (10) feet. In no case shall the dwelling or townhouse be set closer than ten (10) feet to any rear lot line.

20.2.5 In the R-2B district, the following provisions shall apply:

a) A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property line which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property.

b) The wall of the dwelling located on the lot line or within five feet (5') of the lot line shall have no windows, doors, air conditioning units, or any other type of openings or projections. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twelve inches (12") but such roof shall be so constructed, by design or other means, that water runoff from the dwelling placed on the lot line is limited to the easement area as provided in Item a) above.

20.2.6 In the R-7 district there shall be a front yard of at least twenty (20) feet if the property is used for other than residential:

20.2.7 On corner lots in the R Districts there shall be a side yard along the side street of such lot of fifteen (15) feet, except that on separate lots less than seventy-five (75) feet in width, only twenty percent (20%) of the width of the lot need be provided for such side yard.

20.2.8 Where a lot in a B or I District abuts an R District, the yard requirements for that R District shall be provided for the abutting lot in the B or I District, but shall not be less than ten (10) feet.

20.2.9 RESERVED.

20.2.10 RESERVED.

20.2.11 Required front yards shall be used only for landscaping, walkways, light standards, mailboxes and driveways necessary for access to the parking area. Refer to Article 22.2 for fence regulations. Refer to Rockport Sign Ordinance for placement of signs.

20.2.12 When building lines have been established by a recorded plat the platted building lines shall govern for front, rear and side yards. Building lines, platted or non-platted, shall be in accordance

with regulations as established herein. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except that if the lot is square, i.e., has dimensions where the shorter side is at least 90% or more of the longer side, then the front yard may face either street. Lots with double frontage (through lots) must have the required front yard on both streets. This requirement, however, shall not apply to existing lots of record.

20.2.13 When fifty percent (50%) or more of the lots on the same side of a street within the same block are improved with buildings that have observed a lesser dept of front yard than specified in Table 20, then no portion of a new building shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed building. If there is a building upon only one side, then the front yard may be the same as the front yard of such building. In either case such building shall observe a setback of no less than ten (10) feet (20 feet for garage). Required parking shall not encroach on right-of-way.

20.2.14 Except as may be permitted in Article 22, Section 22.1.6 a minimum open space of ten (10) feet shall be established between all unattached buildings in all zoning districts.

20.3 Height Regulations. The purpose of height regulations is to control the height of structures, to provide for air and light in and around buildings, and to provide for fire protection. Maximum height regulations established by this section are set forth in Table 20 – Area and Height Regulations.

20.3.1 These height regulations shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flag poles, monuments, ornamental towers or spires, cranes or construction equipment, smoke stacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay towers, radio and television transmission towers, electric or telephone poles.

The above unrestricted heights may be subject to height limitations and permits required by the Federal Aviation Administration and Federal Communications Commission.

20.3.2 For all R-Districts, a seven and one-half (7.5) foot minimum interior side yard shall be required for both main and detached accessory buildings/structures with three (3) or more stories.

20.3.3 RESERVED.

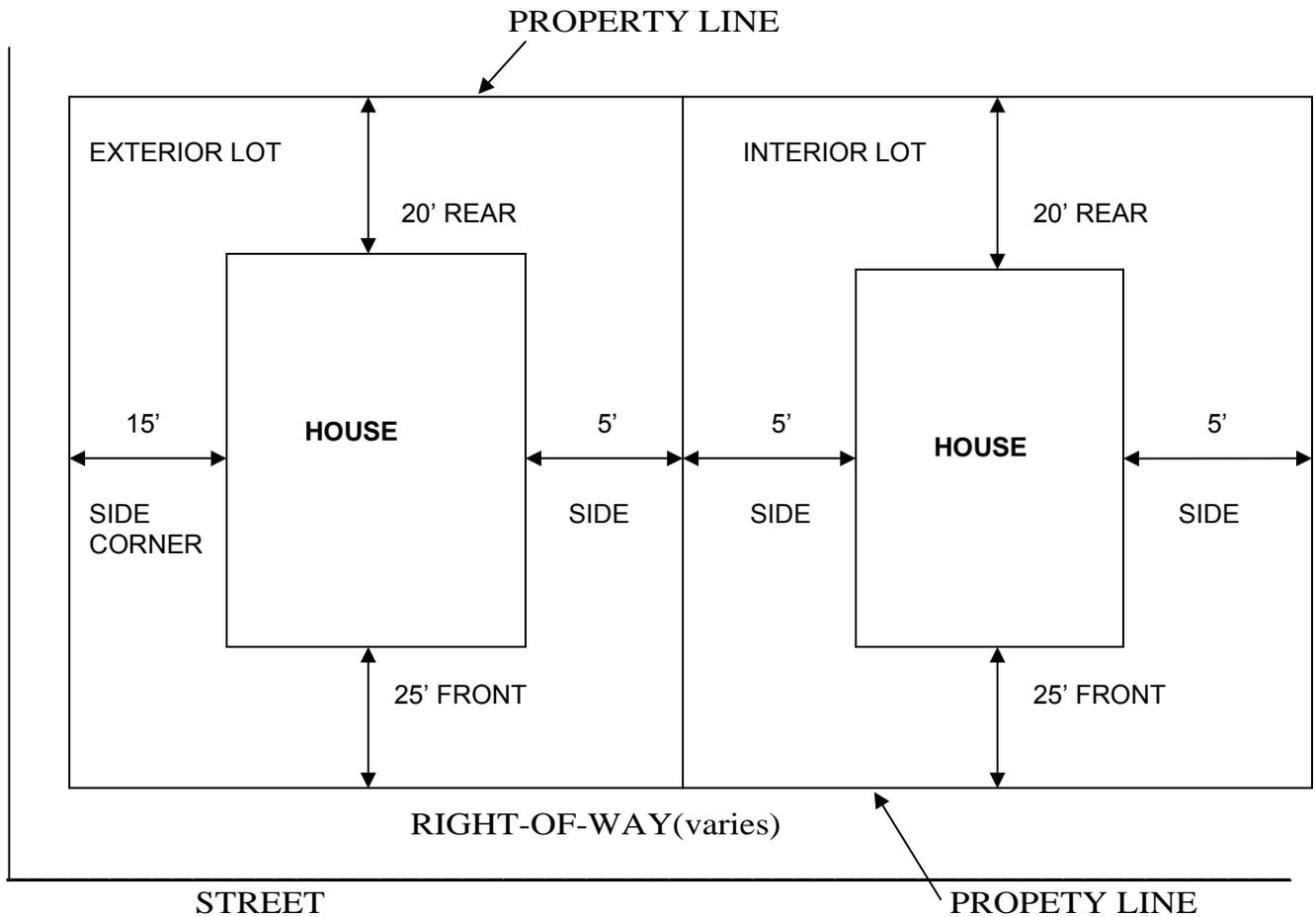
20.3.4 Structures combining both commercial uses and dwelling units when located in B Districts shall observe the height limit of that district.

Table 20
(Refer to Exceptions enumerated in Article 20)

Areas & Densities	R-1	R-2	R-2B	R-2M	R-3	R-4	R-5	R-6	R-7	B-1	B-2	I-1	I-2
Lot Area Minimum (sq.ft.) -PER LOT	7000	5000	5000	5000	7000	5000	5000	5000	5000	n/a	n/a	n/a	n/a
Lot Area Minimum (sq.ft.) -Per DWELLING UNIT	7000	5000	5000	5000	3500	3500	2200	2200 *1	2200 *2	n/a	n/a	n/a	n/a
Lot Width Minimum (ft.)	50	50	50	50	50	50	50	50	50	50	n/a	n/a	n/a
Yard, Minimum-FRONT	25	25	25	25	25	25	25	25	25 *6	20	n/a	20	20
Yard, Minimum -REAR	20	20	10	20	20	20	20	20	10	n/a	n/a	n/a	n/a
Yards, Minimum, -SIDE INTERIOR *3	5	5	10/0	5	5	5	5	5	5	n/a	n/a	n/a	n/a
Yards, Minimum -SIDE EXTERIOR *3	15	15	15	15	15	15	15	15	15	n/a	n/a	n/a	n/a
Living Area (sq.ft.)	800	600	600	600	500	500	500	500 *4	500 *5	500	n/a	n/a	n/a
Height, Maximum (ft.)	35	35	35	35	35	35	35	45	35	45	35	45	45
* Note: 1 – If Single Family Dwelling; 2 – If Single/Multi-Family Dwelling; 3 – Refer to sections 20.2.7 & 20.3.2 for exceptions; 4 – None if Hotel/Motel; 5 – None if office; 6 – Refer to section 20.2.6 for exception.													

SETBACKS

The following illustrations are examples of the minimum setback requirements for residential construction as required by the City's zoning ordinance, Article 20. Plats of record, prior to enactment of the zoning ordinance or prior to annexation that show greater or lesser setbacks shall govern.



Unattached accessory use buildings must have a minimum 5' rear and side yard setback. Setbacks for outside corner lots shall be 15', as shown above. Exception: lots less than 75' in width, only 20% of the width of the lot need be provided for each side yard.

THIS ILLUSTRATION IS INTENDED AS A GUIDE ONLY. CHECK WITH THE BUILDING DEPARTMENT FOR YOUR SPECIFIC REQUIREMENTS, i.e., KEY ALLEGRO, HARBOR OAKS, ETC.

Article 21

Parking Regulations

21.1 Off-Street Parking.

21.1.1 Parking Requirements By Use. In all districts there shall be provided at the time a building or structure is erected or structurally altered or for a change in occupancy, as classified in the International Building Code, off-street parking spaces are required in accordance with the following requirements:

USE	REQUIREMENT
Adult Entertainment	1 per 200 square feet
Agricultural Sales and Service	1 per 250 square feet
Airport, Landing Strip, Helipad	1 per tie-down, plus 1 per hangar area
Arena, Stadium or Auditorium	1 per 4 seats or bench space
Assisted Living Facility	1 per 4 beds
Auto Paint and Body Shop	1 per 250 square feet, plus 2 per bay
Auto Repair Shops	1 per 250 square feet
Bank, Savings and Loan	1 per 250 square feet, excluding storage, employee break-room/restroom
Bar, Saloon, Lounge, Dance Hall	1 per 50 square feet – net area
Boarding or Lodging House	1 per sleeping room
Bowling Alley	5 per alley
Carwash	.5 per bay, plus queuing as determined by the Code Official, plus 1 per 250 square feet of office space
Cemetery	1 per 200 square feet of administrative area
Civic Organization, private or public	Greater of 1 per 200 sq. ft. or 1 for each 3 seats
Clinic/Hospital	1.5 per bed
Community Building/Recreation Field	1 per 100 square feet
Convenience Store, with or without Gas Sales	1 per 200 square feet
County Club/Golf Course	1 per 5 members plus 1 per 150 sq. ft. of floor area
Flea Market	1 per 100 square feet
Gasoline Service Station	1 per 250 sq. ft. (excluding bays)
Government Office or Building	1 per 300 square feet
Hotel or Motel	1 per sleeping room, plus total of requirements for associated commercial, restaurant, lounge, etc.
House of Worship	1 per 4 seats or bench spaces; schools, gyms and other public areas calculated separately
Laundry, Self-Service	1 per 250 square feet

Light Industrial, Mini-Storage, Assembly or Manufacturing, Contractor's Storage Yard	1.75 per 1,000 square feet plus needed parking for commercial vehicles
Manufactured/Industrialized Home	2 per dwelling
Marinas	0.5 space per wet boat slip; 0.25 space per dry boat storage
Mining, Excavation, Extraction	Determined by the Code Official
Mortuary or Funeral Home	1 per 50 square feet
Multi-Family Dwelling – 2 or more bedrooms	2.0 per dwelling
Multi-Family Dwelling – efficiency & 1 bedroom	1.5 per dwelling
Nursing/Convalescent Home	1 per 4 beds
Office, Professional	1 per 300 square feet, excluding storage, employee break-room/restroom
Park, Recreation Area, Indoor or Outdoor Entertainment, Commercial Recreation and Amusements	1 per 4 permanent seats or bench space, plus 1 per 200 square feet, plus 10 per field
Personal Mini-Storage	1 per 50 storage bays, plus 2 customer spaces
Personal Services	1 per 250 square feet, excluding storage, employee break-room/restroom
Printing, Engraving, Newspaper Plant	1.75 per 1,000 square feet, plus parking for all commercial vehicles
Production of Crops, Livestock, etc.	Determined by the Code Official
Public Institution	1 per 250 square feet
Restaurant	The greater of 1 per 100 square feet of service area or 1 per 4 fixed seats, plus minimum of 0.5 per staff
Restaurant, Drive-in/Carry-out	Number of stalls plus 1 per 100 square feet; determined by code official for carry-out
Retail, General	1 per 250 square feet of sales/display area
Riding Stable	1 per 300 square feet of stable space
School, College	The greater of 1 per 6 auditorium seats or 8 per classroom
School, Elementary	The greater of 1 per 10 auditorium seats or 1 per classroom
School, Secondary	The greater of 1 per 8 auditorium seats or 6 per classroom
Shoe or Small Appliance Repair	1 per 250 square feet
Single-Family Dwelling	2 per dwelling
Studio, Professional	1 per 250 square feet
Theater, indoor/drive-in	1 per 4 seats for indoor; 1 per stall plus 1 per 200 sq. ft. of concession/office area for drive-in.
Townhouse	2 per dwelling
Trade Shop; Carpentry, Painting or Plumbing	1.75 per 1,000 square feet of net floor area plus parking for all commercial vehicles

Two-Family dwelling	2 per dwelling
Utilities, All	Determined by Code Official
Vehicle Sales (including Boats and RVs)	1 per 250 square feet of building area
Veterinarian/Animal Hospital	1 per 250 square feet
Wholesale Accessory to Retail	Determined by code official

21.1.2 Rules for Computing Number of Parking Spaces. In computing the number of parking spaces required, the following rules shall govern.

- a. “Floor area” shall mean the gross floor area of the entire building housing the specific use unless otherwise provided for herein.
- 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 as determined by the code official.
- 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 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- e. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 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.
- f. The parking requirements in this article do not limit special requirements which may be imposed in connection with Special Permits or Planned Unit Developments.
- g. In the case of known mixed uses, the parking spaces required shall equal the sum of requirements for the various uses computed separately.
- h. In the case of unknown mixed uses, the parking spaces shall be based on a ratio of 1 space per 220 square feet of gross floor area.
- i. All non-residential uses within the B-2 district shall be exempt from these requirements, except that when off street parking is furnished, it shall conform to these standards.

21.2 Parking Location and Joint Use.

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that 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

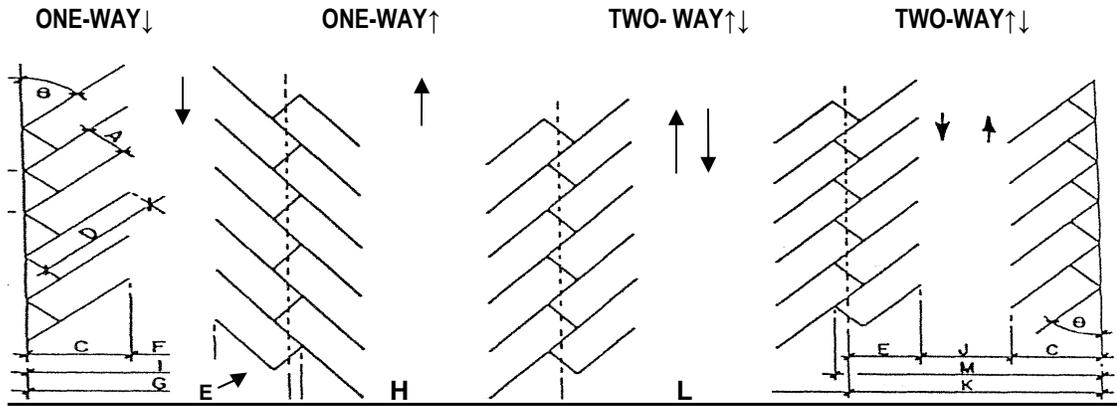
more buildings or establishments, the required spaces may be located and maintained not to exceed 400 feet from the building served and within the same or less-restrictive zoning district.

2. Up to 50 percent of the parking spaces required for public auditoriums and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as the auditorium or church; provided, however, that a written agreement assuring retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit, or if a building permit is not required, then filed with the permit department.

21.3 Parking Design Standards.

1. An off-street parking space (stall) is a paved surface not in a street or alley and having the following dimensions:
 - Head-in parking spaces shall be no less than 9 feet wide by 18 feet long.
 - Parallel parking spaces shall be no less than 8 feet wide by 22 feet long.
2. Except where on-site parking is not required, no vehicle shall be allowed to back onto any public street or sidewalk to leave any parking space when such space serves a multi-family, commercial or industrial use. Furthermore, no vehicle shall be allowed to back onto any public collector or arterial street to leave a parking space, except from those platted residential lots in existence prior to January 1, 2008.
3. Access drives to parking facilities shall be provided as follows;
 - Private driveways shall be no less than 9 feet wide.
 - Commercial driveways shall be no less than 12 feet wide for one-way enter/exit and 24 feet wide for two-way enter/exit.
4. Minimum parking module widths shall be in accordance with the following chart:

PARKING LAYOUT



MINIMUM REQUIRED PARKING LOT DIMENSIONS

PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	STALL LINE LENGTH	STALL DEPTH INTERLOCK	ONE-WAY				TWO-WAY			
						AISLE WIDTH	WALL TO INTERLOCK	INTERLOCK TO INTERLOCK	WALL TO WALL	AISLE WIDTH	WALL TO INTERLOCK	INTERLOCK TO INTERLOCK	WALL TO WALL
θ	A	B	C	D	E	F	G	H	I	J	K	L	M
0°	8	22	--	22	--	10*	--	--	26	20	--	--	36
45°	9	12.7	17.7	25.6	16.2	10*	43.9	42.4	45.4	20	53.9	52.4	55.4
60°	9	10.4	19.8	22.8	18	14*	51.8	50	53.6	20	57.8	56	59.8
90°	9	9	18	18	--	24*	42	--	60	24	--	--	60

*Aisle width dimension is for aisle of less than 150 feet in length. Longer aisle will require aisle width increase to 17.0 feet to allow cars to pass.

5. All parking spaces shall be legibly marked on the pavement.
6. A parking lot shall be designed to physically prevent any portion of a vehicle from encroaching into or overhanging any public or private property line by means of a permanently installed curb, wall, wheel stops or other such physical barrier.
7. Where sidewalks occur in parking facilities, parked vehicles shall not overhang or extend over the sidewalk.
8. Where unusual conditions exist, the code official shall determine the appropriate aisle width necessary.

21.4 Paving Standards for Driveways and Parking Spaces.

All access driveways and parking areas required herein shall be paved with material meeting the following criteria:

21.4.1 Private driveways and required parking areas for one- and two-family dwellings shall be paved with either concrete or asphalt or with a non-paved all weather surface provided:

- the total length of the driveway exceeds 100 feet as measured from the property line to the point of ending (does not include floor area of a building, garage or carport); and
- the driveway apron, in either case, shall be paved with concrete or asphalt from it's juncture with the street surface and extending to the property line of real property or for a distance of 25 feet, whichever is less. A culvert, new or existing, must be paved over. This provision does not apply if there is no paved street.
- repair work to existing driveways/parking areas may be allowed to be repaired or re-surfaced with like material existing at the time of repair or re-surface.

NOTE: All-weather surface means a surface paved with a stable material, specifically crushed limestone, crushed concrete, recycled asphalt or other documented stable material. Material not meeting these standards shall be engineered.

21.4.2 All development sites, other than one- and two-family dwellings, shall have access driveways and parking areas surfaced with either concrete or asphalt. Exceptions may be as follows:

- Additional parking stalls required under Section 21.1.2 of this ordinance may be exempt from paving standards if conditions fall below the minimum criteria as set forth therein. This exemption applies only for sites that have existing non-paved surfaces.
- Other documented/engineered material may be allowed as long as such material does not create an unstable surface. In all cases, a driveway/access drive apron shall be paved with concrete or asphalt from it's juncture with the street surface and extending to the property line of real property. This provision does not apply if there is no paved street.
- Repair work to driveways, access ways and parking stalls at existing sites may be allowed to be re-surfaced with like material existing at the time of repair.

21.4.3 Temporary roads and access ways to development sites, oil field work, well drilling, etc., shall meet Sec. 42-123, Article V, Chapter 42, Rockport Code of Ordinances).

21.5 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, unless determined otherwise by the code official.

1. Commercial districts: one loading space for the first 5,000 to 15,000 square feet of floor area in the building and one additional loading space for each additional 15,000 square feet or fraction thereof.
2. Industrial districts: one loading space for each 10,000 square feet or fraction thereof, of floor area in the building.
3. Each required loading space shall have a minimum size of 10 feet by 25 feet.

21.6 Maintenance of Off-Street parking and Loading Areas.

All off-street parking and loading areas shall be permanently maintained in a safe, sound, usable condition. All associated driveways, curbs and gutters shall be kept in good repair.

21.7 Accessibility.

Provisions for accessible parking shall be in accordance with accessibility standards in the International Building Code. Accessible parking spaces shall be designed in accordance with ICC A117.1.

21.8 Unoccupied RV Units.

Private unoccupied recreational vehicles (RV's), pick-up campers or wheeled campers may be located on occupied private property in any zoning district. Guests of a property owner may occupy an RV unit if said unit is owned by guests of the property owner with the restriction that a limit of 14 days at one location will be permitted, after which a 14 day vacancy is required before an RV unit can be placed on a previously occupied location. Any unit left unattended during the hurricane season must be adequately tied down (see building code).

21.9 Landscape parking.

The following provisions (see chart below) for reduced parking pursuant to an accepted tree/landscape plan by the City of Rockport Tree & Landscape Committee may be allowed as determined by the code official. Reductions are applied to minimum parking only and may be adjusted as necessary:

Category Classification	Standards
Residential	A 15% reduction allowed for other than one and two family dwellings, manufactured and industrialized housing or townhouses.
Institutional/Public Use	No reduction allowed.
Recreation, Public & Private	A 10% reduction allowed for private facilities only.
Retail/Commercial	A 20% reduction allowed for other than assembly and restaurant occupancies.
Industrial	A 30% reduction allowed for non-public industries.
Agricultural	To be determined by the tree/code official

Article 22

Accessory Use Regulations

22.1 Accessory Use and Building Regulated. It is the purpose of this section to permit certain necessary accessory or incidental uses along with the primary use of a building or premises, thus permitting the full enjoyment of such primary use, but at the same time preventing such incidental uses from becoming objectionable where they would be a detriment to the neighborhood or area. Accessory uses may be used for, but are not limited to:

22.1.1 IN R-1, R-2, R-2M, and R-2B Districts:

1. Private garages, servants/guest quarters. Servants and guest quarters shall not be for rent; shall not exceed 50% of the main residence in size; and shall not exceed one (1) unit per residential lot (see 24.2.3 in Article 24 for additional restrictions).
2. Swimming pools, hot tubs, spas, tennis courts, permanent barbecue grills, ornamental gates and structures, storage/utility sheds, wells/well houses, gazebos, patios, etc. (refer to definition of accessory building in Article 3).
3. Shipping containers (see Article 24).
4. Vegetable and flower gardens, non-commercial greenhouses.
5. Private recreation facilities (See Article 24).
6. Fences (See Section 22.2 of this article).
7. Home Occupations (see Article 24).

Building permits and certificates of occupancy may be required as prescribed herein or in the Building Code.

22.1.2 In R-3, R-4, & R-5 Districts:

1. Any use as listed above in 22.1.1
2. Designated area for garbage & trash containers.

22.1.3 In R-6 and R-7 Districts:

1. Any use as listed above in 22.1.2
2. Subordinate uses for hotels, motels, and bed and breakfast establishments. Such facilities shall include, but not be limited to, retail shops, restaurants, clubs and lounges, and shall be wholly or partially within the primary structure and not built or used as a detached structure or facility.
3. Piers, boat docks and related marine facilities may be detached from the main structure and are to be used only by the occupants and their guests.

22.1.4 In B-1, B-2, I-1 and I-2 Districts:

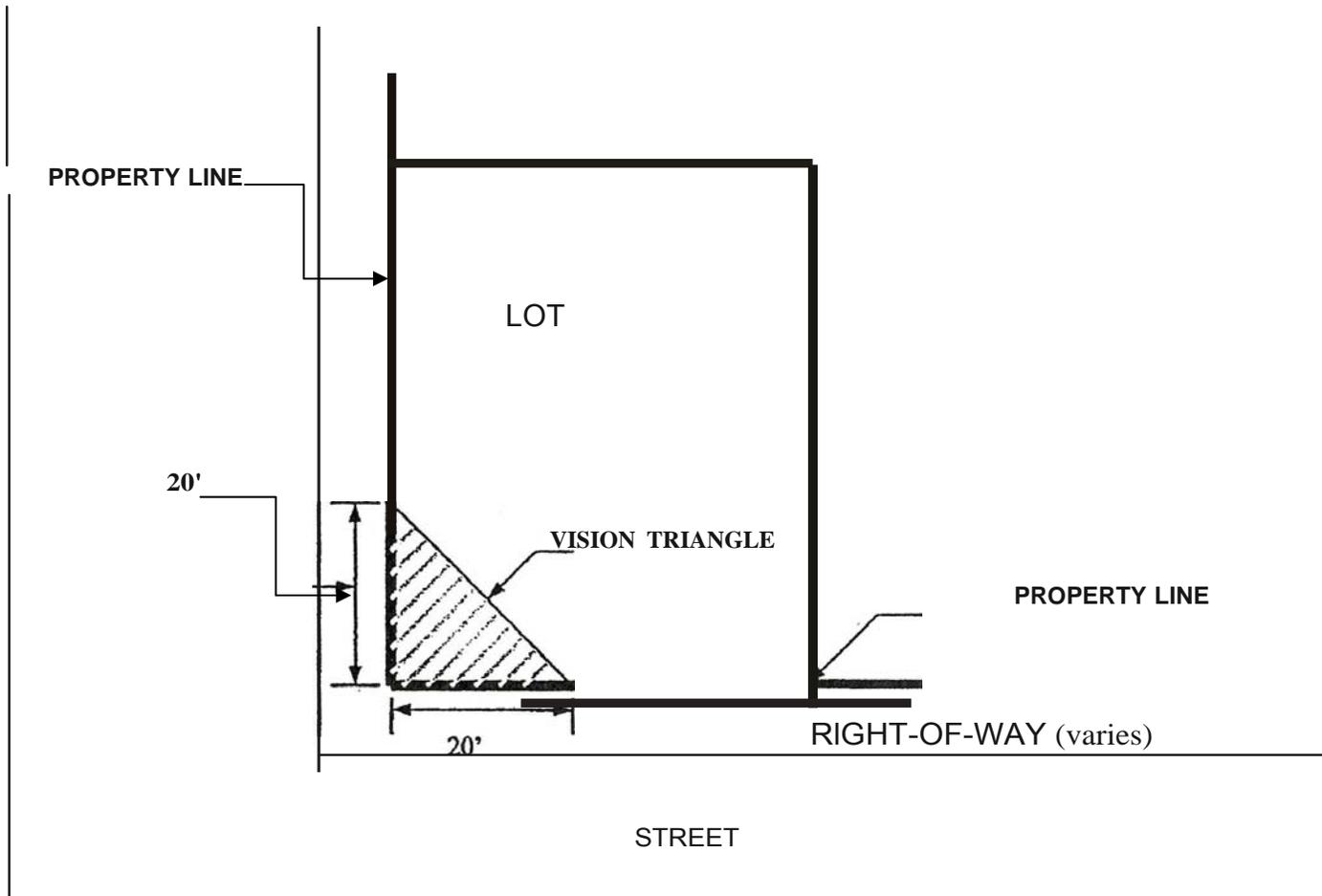
1. Any use as listed in 22.1.3, except that 1) child care centers and nurseries shall not be located in an I district, and 2) shipping containers as addressed in Section 24.2.3.
 2. Accessory use, which is deemed subordinate to the main use.
 3. Multiple structures or usages in conjunction with shopping centers.
- 22.1.5 Temporary buildings, industrialized buildings or portable buildings used for construction offices are permitted in any district as accessory buildings only during the course of construction.
- 22.1.6 (a) Any accessory building or structure (except concrete flatwork or wooden decking) shall have a minimum five (5) foot rear and side yard setback from property lines and shall not be built over an easement. Front yard and side street yard setbacks must be observed. A minimum open space of ten (10) feet shall be established between all unattached buildings.
- (b) An accessory building or structure exempt from permit requirement under either Chapter 1 of the International Residential Code or Chapter 1 of the International Building Code is exempt from both rear and side yard setbacks and the 10 foot minimum separation between buildings. However, such accessory buildings or structures are not exempt from front yard and side street yard setbacks. The 10 foot minimum separation between buildings in front and side street yards shall be observed.
- (c) No accessory building or structure may be built on or over a recorded easement.
- (d) An accessory building may be erected as an integral part of the principal building or erected detached from the principal building. Should the accessory building be connected therewith by a breezeway or similar structure to the principal building, this shall not lessen the 10 foot separation requirement unless:
- the accessory building is attached to and made structurally a part of the principal building, and
 - the accessory building shares a common wall with the principal building, and
 - the accessory building complies with this ordinance and the building code applicable for such structures.
- 22.1.7 RESERVED.
- 22.1.8 In all R-districts, such usages as yard sales, garage sales, lemonade stands and neighborhood car washes are permitted not more than three (3) times per year per location.
- 22.1.9 RESERVED.

- 22.2 Fence Regulations. The purpose of these regulations is to permit the use of fences upon real property subject to the following:
- i Fences shall consist of material and design that is common to the built environment for fences and shall be limited to chain link, wire mesh, wood, masonry, stone, manufactured composite materials designed for exterior fencing, metal or combinations of same. Some industry trade names may include Manufactured Vinyl Fencing, Cable Rail Fencing, Trex, Timbertech, Evergrain or equal.
 - ii No fence shall consist of material and design that is uncommon to the built environment for fences including stacked fire wood, hay bales, scrap material, glass containers, cans, barricade material, tape, metal panels and any kind of sheathing material.
 - iii Solid fences shall only be constructed of wood lumber (not wood/plastic composite or wood structural panel as defined by the building code), stone or masonry or combinations of same.
 - iv Maintenance of all fences shall be the responsibility of the respective property owner and/or occupant.
- 22.2.1 When annexed rural or farm land exists, barbed wire fences may be permitted.
- 22.2.2 Except, as otherwise allowed in this subsection, fences in R-1 through R-7 districts shall not exceed six (6) feet in height. Fences adjacent to city parks or public space shall not exceed eight (8) feet in height. Fences on a property adjacent to business or industrial districts shall not exceed the maximums allowed for the adjacent district, whichever is higher. For the purpose in this subsection, when a street right-of-way divides two districts, it is considered to be a separation between the districts, and a property on one side of the street is not considered adjacent to the district on the other.
- 22.2.3 Except, as otherwise allowed in this subsection, fences in B districts shall not exceed eight (8) feet in height. Fences on a property adjacent to industrial districts shall not exceed the maximum allowed for the adjacent district, whichever is higher. For the purpose in this subsection, when a street right-of-way divides two districts, it is considered to be a separation between the districts, and a property on one side of the street is not considered adjacent to the district on the other.
- 22.2.4 Fences in I districts shall not exceed ten (10) feet in height. For the purpose in this subsection, when a street right-of-way divides two districts, it is considered to be a separation between the districts, and a property on one side of the street is not considered adjacent to the district on the other.
- 22.2.5 The zoning administrator may approve special enhancements (arches) to gates or other openings within a fence.

- 22.2.6 Easements may be fenced as long as access is provided either through gates or removable fence sections. Replacement, removal or maintenance of fencing is the responsibility of the property owner.
- 22.2.7 Fence heights are measured by the following methods
1. Fences erected on the ground are to be measured from the top of grade or average ground level to the top of fence.
 2. Fences erected on raised footings (curbing) are to be measured from the top of footing, if footings are no higher than six (6) inches above grade, to top of fence.
 3. Fences erected on bulkheads, retaining walls, decks, porches, patios or other such raised surfaces, are to be measured from the top of such surface to the top of fence.
 4. For architectural purposes, posts, pillars or supporting columns for fences may be extended above the fence level an additional twelve (12) inches above the fence.
 5. Wood board fences constructed with a six (6) inch kick-board along the bottom will be allowed to extend the fence height to six (6) feet – six (6) inches.
- 22.2.8 On any corner lot on which a front or side yard is required, no fence, wall, structure or vegetation used as a fence shall be permitted or maintained higher than three (3) feet above the level of the center of the roadway within a vision triangle formed by a straight line from the points of the two intersecting right-of-way lines twenty (20) feet back from their common intersection. Chain link fence are allowed within this triangle sight area. This restriction shall not apply to permanent structures authorized by other sections of this ordinance, the building code or by other local, state or federal laws. (Refer to Chapter 106, Rockport Code of Ordinances for landscaping within the vision triangle.)
- 22.3 *Buffering and Screening Regulations.* Buffering and screening requirements shall be in accordance with the City of Rockport Tree & Landscape Regulations.

VISION TRIANGLE

AS IT APPLIES TO VISUAL OBSTRUCTIONS AT CORNER LOTS



ZONING ORDINANCE # 1027

22.2.8 On any corner lot on which a front or side yard is required no fence, wall, structure or vegetation used as fence shall be permitted or maintained higher than three (3) feet above the level of the center of the roadway within a vision triangle formed by a straight line from the points of the two intersecting right-of-way lines twenty (20) feet back from their common intersection. Chain link fence are allowed within this triangle sight area. This restriction shall not apply to permanent structures authorized by other sections of this ordinance, the building code or by other local, state or federal laws. (Refer to Chapter 106, Rockport Code of Ordinances for landscaping within the vision triangle.)

NOTE: SEE SIGN ORDINANCE REGARDING PLACEMENT OF SIGNS

Article 23

Conditional Use Permit

23.1 General. A *Conditional-Use Permit* (CUP) shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a zone, but shall not be allowed under the general conditions of the zone as stated in this code. The granting of a CUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district. The CUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Uses requiring a CUP are listed within a zoning district and in 23.10 of this article. Uses not listed within a zoning district that may be eligible for a CUP shall be administered through this article.

23.2 Applications. All CUP applications shall be submitted to the code official on a form provided by the city consistent with the provisions herein. All applications shall be accompanied by maps, drawings, statements or other documents in support of the request. An application fee shall be collected at the time of submittal. Said fee shall be: One Hundred Dollars and no cents (\$100.00) for the first acre of land or fraction thereof, plus Ten Dollars and no cents (\$10.00) per acre or fraction thereof over the first acre.

23.3 Public Hearing. Prior to the approval, approval with conditions or denial of a CUP, public hearings shall be held in accordance with the provisions of Article 26 of this ordinance. Upon the completion of said proceedings, the Commission shall render a recommendation(s) to the City Council. Decisions of the City Council shall be final.

23.4 Review Criteria. An application for a CUP shall be permitted to be approved, approved with conditions or denied. Each application for a CUP shall be submitted with enough data and information to be consistent with the criteria listed below:

1. That such use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
2. That such use shall not adversely affect adjacent properties.
3. That such use is compatible with the existing or allowable uses of adjacent properties.
4. That such use can demonstrate that adequate public facilities, including roads, drainage, potable water and sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. That such use can demonstrate adequate provision for maintenance of the use in question along with any associated structures.

6. That such use has minimized, to the degree possible, adverse effects on the natural environment.
7. That such use will not create undue traffic congestion.
8. That such use will not adversely affect the public health, safety or welfare.
9. That such use conforms to all applicable provisions of this code.
10. That such use is consistent with all applicable provisions of the comprehensive plan.

23.5 Expiration. A CUP shall be considered exercised when the use has been established. When such CUP is not exercised, or is abandoned, or is discontinued for a period of 1 year from the date of granting thereof, it shall be considered expired and shall not be reestablished unless authorized by the City Council with recommendation(s) from the Planning & Zoning Commission.

23.6 Annual Review. Subsequent to the issuance of a CUP, a review shall be conducted annually by the Code Official to determine that the terms of the CUP are being met.

23.7 Revocation. A CUP shall be revoked when the applicant fails to comply with conditions imposed by the permit. Said CUP shall not be reestablished unless authorized by the City Council with recommendation(s) from the Planning & Zoning Commission.

23.8 Existing Conditional-Use Permit. Any amendment sought to an existing CUP shall be considered as a new application and shall comply with this article.

23.9 Existing Special Permit. Any amendment sought to an existing *Special Permit* existing prior to (date of amending ordinance inserted here) , shall be considered as a new application and shall comply with this article as a CUP. Such amendment(s) may not preclude or nullify the conditions to any *Special Permit* previously issued unless requested by the applicant. Annual review shall be in accordance with 23.6.

23.10 Specific uses requiring a CUP. The following listed uses will require a CUP approval prior to issuance of a building permit. These uses are also listed within their respective zoning district.

1. Permanent or long term (more than 30 days) public entertainment facilities or uses. Such facilities or uses shall include, but not be limited to, amusement parks, carnivals, animal shows, marine life shows, dance/theatrical productions or natatoriums. This provision is listed in a B-1 district).
2. Private, child nurseries or pre-kindergarten schools in R-1 through R-7 districts.
3. Retail shops, restaurants, clubs and lounges in R-6 & R-7 districts when not built within a hotel or office building.

4. Meat, fish or shellfish processing plant in a B-1 district.
5. Penal institutions & detention centers in R-7 districts only. A listed use out-right in a B-1 district.
6. Bed and Breakfast accommodations in R-1 through R-3 districts.
7. The keeping and raising of farm animals in all districts pursuant to the City's animal control ordinance. Agricultural land annexed into the City as R-1 zoning is exempt where such uses are existing uses.
8. Radio, television or communications tower in an R-7 district, provided Federal Communications Commission and Federal Aviation Administration permit requirements are met (refer to Article 24 for Special Conditions).
9. Outdoor welding operations when located in a B district only.
10. Recreational Vehicle/Manufactured Housing Parks in any district when complying with recreational vehicle/manufactured housing park standards addressed in Article 24 of this ordinance.
11. Adult entertainment in B and I districts.

Article 24

Special Conditions

24.1 General. The following sections describe special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said sections in the Ordinance. A building permit or certificate of occupancy shall not be issued for any permitted use with “Special Conditions” until all of the required conditions have been met.

24.2 Special Conditions By Use.

24.2.1 Adult Entertainment Uses. The following special conditions and regulations shall apply for adult entertainment uses (see definitions in Article 3 of this ordinance) without regard to whether the adult entertainment use is a primary or accessory use.

1. An adult entertainment use shall not be established or expanded within 1,500 feet of the district boundary line of any residential or PUD zoning district.
2. An adult entertainment use shall not be established or expanded within 1,500 feet of any other adult entertainment use, bar, pool hall, liquor store or any other establishment which sells or serves alcoholic beverages.
3. An adult entertainment use shall not be established or expanded within 1,500 feet of the property line of a church, school, or public park.
4. Because adult entertainment uses generally have unusual nuisance characteristics which can be incompatible and injurious to other commercial or residential uses and which may significantly diminish or impair area property values and impede the normal and orderly development of surrounding areas, a Conditional Use Permit (CUP) shall be required when an adult entertainment use is pending (refer to Article 23). In making their decisions, both the Planning & Zoning Commission and the City Council shall determine the overall impact such developments will have on the community.

24.2.2 Swimming pool. A pool may be located anywhere on a premise except in the required front yard (see 24.2.4 below regarding private and semi-private facilities; and Article VIII, Chapter 22, Rockport Code of Ordinances for swimming pool fencing and standards).

24.2.3 Accessory Building. An accessory building may be erected as an integral part of the principal building or erected detached from the principal building. Accessory buildings shall only be erected on the same lot as the main structure and shall maintain a minimum open space of ten (10) feet between all other buildings. Separate utilities for accessory buildings shall be provided from those utility services serving the main structure (see Article 23, Sec. 23.2.17). Accessory buildings may be

constructed to coincide with the construction of the main structure but in no case shall they be constructed without a main structure. Such accessory buildings shall conform to all yard, open space and off-street parking requirements addressed herein.

Pre-constructed buildings, portable structures, prefabricated buildings, and similar buildings, structures and containers shall not be used for accessory buildings unless approved by the State of Texas under the Industrialized Housing and Building Act. Structures built on site and available for all construction inspections are not included in this requirement. Shipping containers, as defined herein, shall only be used as accessory storage structures in B and I zones. No more than two shipping containers shall be permitted except by Special Permit. Containers shall not be stacked.

- 24.2.4 Private/Semi-Private Recreation Facilities. Private/semi-private recreation facilities in residential districts shall be limited to such uses as swimming pools, open game fields, basketball, shuffleboard, racquet ball, croquet, tennis courts and meeting or locker rooms. Private recreation facilities shall be no closer than twenty (20) feet of any street right-of-way or within ten (10) feet of any abutting property line. Activity areas shall have a screening fence from abutting properties. Dispensing of food and beverages shall be permitted on the premises only for the benefit of users of the recreation facility and not for the general public.
- 24.2.5 RESERVED.
- 24.2.6 RESERVED.
- 24.2.7 Refer to other City Codes & Ordinances which may relate to or affect a permitted use and any accessory use.
- 24.2.8 Refer to Code of Ordinances for oil/gas well drilling.
- 24.2.9 Refer to State Law regarding Cemetery & Cemetery Operations.
- 24.2.10 *Regulation of Home Occupations.*
 - 24.2.10.1 The accessory use of a home occupation is allowed in all zoning districts, except I Districts, as regulated by this section. No person shall conduct a home occupation in a non-residential zoning district without first making application for and receiving approval by the Building Official for a Certificate of Occupancy (C of O) required by Article 27 of the Rockport Zoning Ordinance. Should a permitted home occupation cease, a new application and C of O shall be required for any new activity.
 - 24.2.10.2 A home occupation or activity, or any occupant's actions in the residence or on the premises, shall:
 - 24.2.10.2.1 Not have exterior or interior signage to advertise said occupation and there shall be no illumination or other devices of attraction. Home occupations in non-residential

zoning districts may have signs as regulated by Chapter 6 *Advertising*, Rockport Code of Ordinances;

- 24.2.10.2.2 Not employ nor openly subcontract with any person other than the occupants of the residence;
- 24.2.10.2.3 Not conduct such occupation or activity where any routine outdoor activity related to the occupation or activity shall be visible from neighboring property.
- 24.2.10.2.4 Not conduct any retail sales from the premises in conjunction with such home occupation. Orders previously made by telecommunications or as a sales party may be filled on the premises;
- 24.2.10.2.5 Not have exterior storage of material, equipment and/or supplies used in conjunction with such occupation or activity;
- 24.2.10.2.6 Not permit excessive noise, vibration, smoke, dust, odor or heat outside the confines of the property lines.
- 24.2.10.2.7 Not require any specific additional on-site parking which would be in excess of that which is required for the residence (see Article 21 for parking requirements);
- 24.2.10.2.8 Not generate any increase traffic flow in greater volumes that normally associated with a residential neighborhood; or
- 24.2.10.2.9 Not allow the following specific activities: mechanic (auto, boat or small engine repair), machinist, manufacturing operations, welding shops, physical or medical treatment of persons or animals, contractor's shops or yards (electrical, plumbing and HVAC shops), and personal service operations (beauty shops, barber shops).
- 24.2.10.3 Should the Building Official find that an occupant is in violation of this section notice shall be given to the occupant stating the violation. The occupant shall immediately come into compliance with the home occupation requirements as outlined above or cease and desist the occupation activity within 10 days that notice is given.
- 24.2.10.4 Should an occupation or activity pre-existing within a newly annexed territory not comply with the provision of this section, then such occupation or activity shall be deemed as non-conforming and shall therefore be regulated pursuant to Article 25 of this document.
- 24.2.10.5 It shall be unlawful for a person to have or allow a home occupation in a non-residential district to be in violation of 24.2.10 of this article.
- 24.2.11 *Regulation of Industrialized Housing.* Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings. Industrialized housing and buildings must meet or exceed the

requirements of Chapter 1202. “Industrialized Housing and Buildings” of the Texas Occupations Code. In addition, single-family or duplex industrialized housing is considered real property and must:

- 24.2.11.1 Have a value equal to or greater than the median taxable value for each single-family or duplex dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;
- 24.2.11.2 Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family or duplex dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
- 24.2.11.3 Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family or duplex dwellings; and
- 24.2.11.4 Be securely fixed to a permanent foundation.
- 24.2.11.5 For the purpose of subsection 24.2.11.1., “value” means the taxable value of the industrialized housing and the lot after installation of the housing,
- 24.2.11.6 Except as provided by subsection 24.2.11.1., a municipality may not adopt a regulation that is more restrictive for industrialized housing than that required for a new single-family or duplex dwelling constructed on-site.
- 24.2.11.7 This section does not limit the authority of a municipality to adopt regulations to protect historic properties or historic districts nor does it affect deed restrictions.
- 24.2.12 *Communication/Cell Towers.* Communication/Cell Towers, by CUP. In addition to CUP requirements, the following conditions shall apply to a Communication/Cell Tower and may be in addition to any other conditions as may be applicable:
 - 24.2.12.1 Tower shall not exceed 150 feet in height measured at ground level. Antennas placed on buildings or other independent support structure shall not exceed this height requirement;
 - 24.2.12.2 Tower shall not have guy-wires for bracing. Preferable tower shall be of the monopole type or three legged truss frame type;
 - 24.2.12.3 Tower may be incorporated/camouflaged into other structures (i.e.: water towers, buildings, etc.) as approved;
 - 24.2.12.4 Roof mounted antenna structure shall be built of non-combustible material;
 - 24.2.12.5 Accessory building for tower shall be built of non-combustible material;

- 24.2.12.6 Tower site shall be fenced and landscaped as required;
- 24.2.12.7 Tower shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other applicable Federal or state agency; or
- 24.2.12.8 Tower shall not be allowed within the following locations:
- (a) Eastward of Church Street from Third Street northward to Texas Business Highway 35.
 - (b) Within 1,000 feet of the waters of Aransas Bay or Little Bay;
 - (c) Within 500 feet from any school, public park and areas of organized outdoor activities for children; or
 - (d) Within 200 feet from the nearest residential (single, duplex or multi-family) zoning district boundary as defined by the city's zoning ordinance.
- 24.2.12.9 The prohibitions in this section shall not apply to towers used exclusively by governmental entities.
- 24.2.12.10 In the event the use of any Wireless Communication system, which would include any antenna support structure, has been discontinued for a period of one hundred eighty (180) consecutive days, the antenna support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official who shall have the right to request documentation and/or affidavits from the antenna support structure owner/operator of the antenna support structure shall remove the antenna support structure within ninety (90) days of receipt of notice from the Building Official notifying the owner/operator of such abandonment. If such antenna support structure is not removed within said ninety days, the Building Official may cause such antenna support structure to be removed at the owner's expense. If there are two or more users of an antenna support structure, this provision shall not become effective until all users cease using the antenna support structure.
- 24.2.13. *Regulation of Recreational Vehicle/Manufactured Housing Parks.*
1. *General Provisions.* The following general provisions are required for the development or the expansion of RV/Manufactured Housing Parks within the R-1 up through and including the R-7 zoning districts.
 2. Mobile Homes, as defined, are prohibited within RV/Manufactured Housing Parks inside the city limits of the City of Rockport unless such mobile home existed prior to annexation. Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home. Replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size, but not less than 320 square feet, or larger, and be a newer model.*

* NOTE: Newer model means a manufactured home built and identified by the manufacturer as the next years' model to the manufactured home being replaced.

3. Upon application, the installation of a Recreational Vehicle/Manufactured Home Park shall be permitted as determined appropriate by the City through a *conditional-use permit* (CUP), including a Planned Unit Development (PUD) that may contain a RV/Manufactured Home Park. An application to install a HUD CODE Manufactured Home for use and occupancy as a residential dwelling is deemed approved and granted unless the City denies the application in writing within forty-five (45) days from receipt of the application setting forth the reason.
4. This section shall not affect the applicability of any deed restriction that is otherwise valid.
5. *Specific Provisions.* In addition to CUP approval, land used as a RV/Manufactured Home Park shall be developed according to the following criteria:
6. The above described park may include Manufactured Homes, RV's/Travel Trailers and Campgrounds or any combination thereof. Other uses, in addition to the uses described herein, shall be conditioned or amended, as the case may be, by Special Permit.
7. Parks containing a combination of Manufactured Homes, RV's/Travel Trailers or Campgrounds must designate separate areas for each classification. No mixture of Manufactured Homes, RV's/Travel Trailers, campgrounds or other approved uses is permitted in any designated area (Density control).
8. The park area shall consist of at least four (4) acres in size. The number and location of external access drives shall be approved by the Zoning Administrator and the Director of Public Works.
9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.
10. There shall be no minimum lot/space area except that each RV/Manufactured Housing unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no closer than twenty (20) feet from any external access road.

11. Manufactured Housing and RV's/Travel Trailers located in the park shall be connected to City water and wastewater systems if available.
12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area, as determined by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient clearance exists for one (1) car passage in addition to parking.
13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code.
14. The park shall conform to all other City of Rockport regulations and codes relating to planning & zoning, building, gas, mechanical, plumbing, electrical installations and tie-downs for windstorm compliance. All manufactured housing units unoccupied during hurricane season (June 1 to November 30) must be tied down (see Building Code) or removed from the park. Lot spaces shall be labeled with numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the Director of Public Works and shall be included in the park layout plans submitted for approval.
15. Out-side lighting shall be in accordance with the City's Light Nuisance Ordinance.
16. Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed (Animal Control Ordinance).
17. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.
18. There shall be at least one (1) recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area of the park.
19. The park shall be screened from a public place or public right-of-way and adjacent occupied property by a solid screening fence in accordance with Section 22.2 of this ordinance. Planted vegetation may be allowed as an alternate screening device by the Tree and Landscape regulations in Chapter 106, Rockport Code of Ordinances.

Article 25

Non-Conforming Use Regulations

25.1 Non-Conforming Uses Regulated. The purpose of this section is to make the Ordinance more workable, legal and not impose unnecessary hardships on individuals who have established certain uses before the enactment of the Zoning Ordinance. Certain privileges are accorded such uses. It is the long range objective, however, that such uses will ultimately be eliminated by attrition or other means.

25.1.1 Non-Conforming Uses Established. The lawful use of land or a building existing at the time of passage of this Ordinance or any amendment thereto may be continued, although such use does not conform to all the provisions of this Ordinance, except as hereinafter provided. Non-conforming lots of record existing at the time of the adoption of this ordinance and lots or parcels created as a result of condemnation or involuntary sale by owner to a government entity with the power of eminent domain shall be exempt, unless indicated, from the minimum lot area and width requirements provided they are developed in accordance with all minimum yard areas as required in Article 20 of this document.

25.1.2 Non-Conforming Uses May be Changed. A non-conforming use of a building, structure or premises may be changed to another non-conforming use of the same or of a higher classification provided no structural alterations are made in the building. If the use is changed to a higher classification or to a conforming use, it cannot be changed back to the original non-conforming use. For the purposes of this paragraph, the “same classification” means uses permitted in the same district; a “higher classification” means uses in a district with a prior listing (lower density) in this Ordinance.

25.1.3 Discontinuance of a Non-Conforming Use. If a non-conforming use of a building or premises is discontinued, the use of such building or premises then must conform to the use regulation of the District in which it is located.

25.1.4 Damage to Non-Conforming Use. No building or structure which has been damaged by any cause whatsoever to the extent of more than sixty percent (60%) of the appraised value of the building immediately prior to the damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a non-conforming use are terminated. If a building or structure is damaged by less than sixty percent (60%) of appraised value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within six (6) months of the date of such damage.

25.1.5 Enlargement of Non-Conforming Use. A non-conforming use cannot be enlarged, extended or structurally altered unless changed to a conforming use.

25.1.6 Existing Special Uses Not Non-Conforming. Existing uses of the types eligible for Special Permits under Article 23 shall be conforming uses and shall receive a Special Permit for the existing

use from the Zoning Administrator upon request. A Special Permit shall be required for any enlargement or addition.

25.1.7 Intermittent and Illegal Uses. The occasional, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a non-conforming use on the part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot. Passage of this ordinance in no way legalizes uses existing at the time of its adoption.

25.1.8 Discontinuance of Non-Conforming Uses. Where a premise in an R District is used for open storage, such uses must be discontinued and the stored material removed within one (1) year after the effective date of this Ordinance. Open storage in an R district existing beyond one (1) year after the effective date of this ordinance shall be abated pursuant to Chapter 42, Rockport Code of Ordinances. Open storage existing within newly annexed territory shall be deemed non-conforming and shall therefore be regulated pursuant to this article.

Article 26

Amendment of the Ordinance

26.1 Procedure. The City Council may from time to time, on petition, in form and content as prescribed by the City Council, or on its own motion, amend, supplement, change, or modify by ordinance the boundaries of districts, or the regulations or restrictions herein established. Any proposed amendment, supplement, change or modification shall first be submitted to the Commission. The Commission and City Council shall hold a public hearing, either jointly or separately. The Commission shall then make a report and recommendation to the City Council. The City Council shall not take action until it has received the report and recommendations from the Commission. Notice of required hearings shall be in accordance with state law. If the Commission does not make its report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Notice of such hearings shall be published in the official paper or a paper of general circulation at least one time. Such hearing shall not be held earlier than fifteen (15) days from the date of publication of such notice.

26.2 Twenty Percent Rule. If a protest against such proposed amendment, supplement, change or modification shall be presented to the City Secretary, duly signed and acknowledged by the owners of twenty percent or more, either of the area of lots or land immediately adjoining the same extending 200 feet there from, such amendment, supplement, change or modification shall not become effective except by favorable vote of three-fourths of the members of the City Council.

26.3 Fees. Before any action shall be taken as provided in this Article, the applicant for such action shall pay the fees prescribed in the Rockport Zoning and Platting Fee Ordinance.

Article 27

Administrative procedures

27.1 Administrative Official. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance and to refuse to issue any permit for any building or for use of any premises which would violate any of the provisions of this ordinance.

27.2 Building Permits. No building may be undertaken without a building permit as required by the Building Code. Each application for a building permit shall be accompanied by such information as may be necessary to provide for the enforcement of this ordinance.

27.3 Certificate of Occupancy. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Zoning Administrator or Building Official.

27.4 Notice of Violation. A written notice of violation shall be given to the owner and/or tenant of a property in violation. The notice shall require abatement of the violation within ten (10)

calendar days. The notice may be served by personal delivery, by mail, or by publication in a local newspaper if other service cannot be made. The Zoning Administrator is authorized to grant one or more continuances upon written application where satisfactory progress is being made to abate a violation.

Article 28

Penalty for Violation

28.1 Criminal. Any person, agent, firm or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined any sum up to \$2,000.00. Each day such violation exists shall constitute a separate offense.

28.2 Civil. The city may also direct its attorney to bring a civil action in a court of competent jurisdiction to enforce the provisions of this ordinance.

Article 29

Administrative Liability

No officer, agent or employee of the city shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the city attorney until the final determination of the proceedings.

Article 30

Validity

30.1 Severability Clause. If any section, paragraph, sentence, clause, phrase or provision of this ordinance is or any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

30.2 Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

30.3 Effective Date. This Ordinance shall become effective on the 13th day of April, 1996, and shall be published one time in an official newspaper of the City of Rockport, Texas.

APPROVED ON FIRST READING this 26h day of March, 1996.

R. J. O'Brien, Mayor
City of Rockport, Texas

ATTEST:

Myrna L. McKinney, City Secretary

APPROVED ON SECOND READING AND PASSED AND ADOPTED this 9th day of April.
1996.

R. J. O'Brien, Mayor
City of Rockport, Texas

ATTEST:

Myrna L. McKinney, City Secretary