

ZONING ORDINANCES

CITY OF

HEREFORD, TEXAS

Published by Order of the City Commission



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ORDINANCE NO. 1164

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS, AMENDING PARAGRAPH I OF ORDINANCE NO. 409, (THE BUILDING PERMIT ORDINANCE), SO AS TO REQUIRE ADEQUATE SHOWING BY SURVEY OF THE LOCATION ON THE BUILDING SITE OF PROPOSED STRUCTURES.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

I.

Paragraph I of Ordinance No. 409, as heretofore amended, is hereby further amended, so as to read hereafter as follows:

PERMIT REQUIRED: In any case wherein the value of labor and materials to be used shall be \$100.00 or more, before the erection, construction, moving, alteration or repair of any building, structure, or wall, or any part thereof, or any platform, staging or flooring to be used for standing or seating purposes is commenced, the owner or lessee, or the agent of either, or the architect or builder employed by such owner or lessee in connection with the proposed construction or alteration, shall apply to the Building Inspector of the City of Hereford for a permit to do such work. Said application shall be in duplicate on a form provided by the City of Hereford, and shall provide such information as is necessary in order to show that the proposed construction, alteration or repair is in conformity with all applicable ordinances and building codes of the City of Hereford. In all instances where the proposed construction consists of new structures, or additions to the area of existing structures, such application shall contain, or be accompanied or supported by, a survey, as proof of location of the structures with respect to survey lines or stakes, to assure compliance with all set-back requirements provided by law. Such application may also serve as the application for a Certificate of Occupancy and Compliance when such Certificate is required by the Zoning Ordinance. Upon examination of the Application, if the Building Inspector is satisfied that such proposed construction, alteration or repair is in conformity with all applicable Ordinances, he shall indicate his approval of such application and direct the issuance of such permit, upon payment of the required fee.

II.

This amendment is effect from and after its enactment.

The above and foregoing Ordinance was duly introduced on the Motion of Commissioner Brownlow, seconded by Commissioner Reinauer, and adopted by affirmative vote of the City Commission this the 19th day of November, 1984.

/s/ Wesley S. Fisher
Wesley S. Fisher, Mayor

ATTEST:

/s/ Bonna R. Duke
City Secretary

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ZONING ORDINANCE*

ORDINANCE NO. 1193

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS, AMENDING IN ITS ENTIRETY, ORDINANCE NO. 412, AS HERETOFORE FROM TIME TO TIME AMENDED, BY MAKING VARIOUS PROCEDURAL AND SUBSTANTIVE CHANGES THEREIN; AND BEING A ZONING ORDINANCE DIVIDING THE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HEREFORD INTO DISTRICTS IN ACCORDANCE WITH A CITY-WIDE COMPREHENSIVE PLAN; DEFINING CERTAIN TERMS; REGULATING THE LOCATION, SIZE, HEIGHT, BULK AND USE OF BUILDINGS WITHIN SUCH RESPECTIVE DISTRICTS; FIXING THE PERCENTAGE OF ANY LOT OR TRACT OF LAND TO BE OCCUPIED IN THE VARIOUS DISTRICTS; REGULATING THE SIZE OF YARDS, COURTS AND OPEN SPACES IN EACH PARTICULAR DISTRICT TO PROVIDE FOR PARKING; REGULATING THE DENSITY OF POPULATION, STRUCTURES, BUILDINGS, LANDS, INDUSTRY AND RESIDENCES IN THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES IN EACH PARTICULAR DISTRICT; ADOPTING A ZONING MAP, MAKING IT A PART OF THIS ORDINANCE; PROVIDING FOR THE LOCATION AND OUTLINE OF ALL DISTRICTS ON SAID ZONING MAP AND MAKING ALL FIGURES, LETTERS, MARKINGS AND COLORS ON SAID MAP A PART OF THIS ORDINANCE; PROVIDING FOR A METHOD OF ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; CREATING A BOARD OF ADJUSTMENTS AND DEFINING ITS POWER AND DUTIES; PROVIDING A PENALTY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING A METHOD OF AMENDING AND CHANGING THIS ORDINANCE; AND PROVIDING FOR THE VALIDITY OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

SECTION I. INTERPRETATION AND PURPOSE.

(A) The purpose of this ordinance is to Zone the entire area of the City of Hereford into Districts, as made and provided by Articles 1011-a to and including 1011-j of Chapter 4, Title 28 of Vernon's Annotated Texas Statutes, 1925, as amended, in accordance with a comprehensive plan, for the purpose of promoting health, safety, morals and the welfare of the general public. These districts have been designed to lessen congestion in the street; to provide safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to provide and facilitate adequate provisions for transportation, water, sewage, schools, parks and other public require-

***Editor's note**—Printed herein is the Zoning Ordinance of the City of Hereford, Texas, enacted by Ordinance No. 1193, duly passed and adopted at a meeting of the City Commission held on the 16th day of February, 1987, and as subsequently amended. The provisions of the Zoning Ordinance have been set out herein substantially as enacted with amendatory legislation identified by history notation following each amended section.

ments. Said Districts have been created with fair and reasonable consideration, among other things, of the character of each particular district and its peculiar suitability for particular uses, and with the view of conserving the value of land and buildings in each particular district, and of insuring the harmonious and appropriate use of all property and land throughout the City of Hereford.

(B) The existing Zoning Map of the City of Hereford, as adopted by Ordinance No. 412 and as from time to time thereafter amended, altered and changed by amending ordinances, is hereby continued in full force and effect as a part of this ordinance, as hereafter more fully provided; except that:

- (1) The "A" District, as designated and colored in the existing map, shall hereafter be known and designated as the "R-1" District.
- (2) The "B" District, as designated and colored in the existing map, shall hereafter be known and designated as the "R-2" District.
- (3) There being no "Townhouse District" designated in the existing map, it is ordained that a distinctive color be selected and designated as the color for such "TH" Townhouse District, by the City Manager, and that such color will hereafter be used to designate any area placed in such "TH" District by amendment of this ordinance.
- (4) The "C" District, as designated and colored in the existing map, shall hereafter be known and designated as the "MF" District.
- (5) There being no "Mobile Home District" designated in the existing map, it is ordained that a distinctive color be selected and designated as the color for such "MH" Mobile Home District, by the City Manager, and that such color will hereafter be used to designate any area placed in such "MH" District by amendment of this ordinance.
- (6) The "D" District, as designated and colored in the existing map, shall hereafter be known and designated as the "C-1" District.
- (7) The "D-Restricted" District, as designated and colored in the existing map, shall hereafter be known and designated as the "C-2" District.
- (8) The "D-1" District, as designated and colored in the existing map, shall hereafter be known and designated as the "C-3" District.
- (9) The "E" District, as designated and colored in the existing map, shall hereafter be known and designated as the "CB" District.
- (10) The "F" District, as designated and colored in the existing map, shall hereafter be known and designated as the "LI" District.
- (11) The "G" District, as designated and colored in the existing map, shall hereafter be known and designated as the "HI" District.
- (12) The changes and modifications set forth in this Section I(B) shall be appropriately noted and colored in the said map, by the City Manager.

SECTION II. DEFINITIONS.

(A) The following definitions shall apply in the interpretation and enforcement of this ordinance, to-wit:

Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not discretionary.

- (1) *Accessory buildings*: A subordinate use or building customarily incident to and located on the lot occupied by the main use or building.
- (2) *Alley*: A way which extends only secondary means of access to abutting property.
- (3) *Apartment*: A room or suite of rooms in an apartment house or tenement, arranged, designed or occupied as the residence of a single family, individual, or group of individuals.
- (4) *Apartment house*: A building or portion thereof arranged, designed or occupied by three (3) or more families living independently of each other.
- (5) *Boarding house*: A building other than a hotel where lodging and meals for five (5) or more persons are served for compensation.
- (6) *Building*: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels; and when supported by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
- (7) *Carport detached*: A building consisting of a roof and supporting columns, but without walls, designed or used to shelter motor vehicles.
- (8) *Customary home occupations*: Occupations ordinarily carried on in a family residence, by members of the immediate family residing on the premises. In any specific application of this definition, the following criteria or standards shall apply:
 - (a) There shall be no sign displayed on the premises, other than as allowed in Section IV (A)(5), that will indicate from the exterior that the building is being occupied or utilized for any purpose other than that of a dwelling;
 - (b) There shall be no employees other than members of the immediate family residing on the premises;
 - (c) There shall be no use in such occupation of any mechanical equipment other than such as is customarily used for domestic purposes;
 - (d) The area for the subordinate use does not exceed twenty-five (25) percent of the total living area of the residence;
 - (e) There shall be no exterior storage of equipment or supplies used in the home occupation;
 - (f) Customary home occupations shall not include barber shops, beauty shops, carpenter shops, electrician's shops, plumbing shops, radio and television repair

shops, tinner's shops, transfer and moving van offices, auto repairing, auto painting, furniture repairing, or sign painting.

- (9) *Condominium*: A joint enterprise-type of ownership in which there is common ownership of the shared portions of the premises and ownership by the individual of space and the right of exclusive occupancy of that individual's apartment within the condominium property.
- (10) *Depth of lot*: The mean horizontal distance between the front and rear lot lines.
- (11) *Depth of rear yard*: The mean horizontal distance between the rear line of a building and the rear property line.
- (12) *District*: A section of the City of Hereford for which the regulations governing the area, height or use of buildings are uniform.
- (13) *Dwelling, multiple*: A building used or designed as a residence for three (3) or more families or households living independently of each other.
- (14) *Dwelling, single family*: A detached building having accommodations for and occupied by only one family.
- (15) *Dwelling, two family*: A detached building for separate accommodations for and occupied as, or to be occupied as, a dwelling for only two (2) families.
- (16) *Dwelling, two family (divided ownership)*: A two family dwelling, as herein defined, but as to which the separate accommodations for each family, including the land on which such accommodations are constructed are owned by different owners; providing that the term "two-family dwelling" as used in this ordinance, includes two-family dwellings with divided ownership unless the context requires otherwise.
- (17) *Family*: A family is any number of individuals living together as a single house-keeping unit; as distinguished from a group occupying a boarding house, a lodging house, or both, or hotel as herein defined.
- (18) *Front yard*: An open, unoccupied space on the same lot with a building, between the building and the street line or lines of the lot.
- (19) *Garage, commercial*: Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles. The term repairing shall not include a body repair shop nor the rebuilding, dismantling, or storage of wrecked or junk vehicles.
- (20) *Garage, private*: A detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.
- (21) *Garage, storage*: Any premises, except those defined as a private or public garage, used exclusively for the storage of automobiles and other motor vehicles.
- (22) *Height*: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground

level, if higher, or if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip or gable roofs. In measuring the height of a building the following structures shall be excluded: Chimneys, cooling towers, radio and television towers, ornamental cupolas, domes or spires, elevator bulkheads, pent houses, tanks, water towers, and parapet walls not exceeding four (4) feet in height.

- (23) *Hotel*: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and there is not direct access to rooms from outside the building.
- (24) *Interior court*: An open unoccupied space surrounded on all sides by walls, or by walls and a lot line.
- (25) *Lodging house*: A building other than a hotel where lodging for five (5) or more persons is provided for compensation.
- (26) *Lot*: Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.
- (27) *Lot, corner*: A lot situated at the juncture of two (2) or more streets.
- (28) *Lot lines*: The lines bounding a lot as defined herein.
- (29) *Mobile home*: A factory-built structure, or structures, designed to be used as a dwelling unit or units, and so constructed as to be:
 - (a) Without a permanent foundation, by which is meant that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner; and the replacement of such original support system by a permanent foundation shall not change the character of the unit as a mobile home;
 - (b) Equipped with the necessary service connections to be located temporarily in a given location;
 - (c) Constructed so as to be movable as a unit on its own running gear.
- (30) *Motel, motor court, motor lodge or tourist court*: Any building or group of buildings containing guest rooms or dwelling units, some or all which have separate entrances leading directly from the outside of the building, with garage or parking space conveniently located on the lot; and designed, used or intended wholly or in part for the accommodation of automobile transients.
- (31) *Nonconforming uses*: A building or premises occupied by a use that does not conform to the regulations of use in the district in which it is situated.
- (32) *Parking lot*: Any open area other than a street, alley or place, used for the temporary parking of motor vehicles; and either available for the free use and accommodation of clients or customers of one or more business establishments, or available for public

use for hire; provided, that parking space provided in compliance with the minimum parking space requirement set forth in this ordinance shall not be deemed a parking lot.

- (33) *Place*: An open, unoccupied space reserved for purposes of access to abutting property.
- (34) *Rear yard*: A space unoccupied except by buildings of accessory use as hereinafter permitted extending for the full width of the lot between a building other than a building of accessory use and the rear lot line.
- (35) *Recreational vehicle park*: Any open area, other than a street, alley, or other public place, used exclusively for the parking or temporary storage of two (2) or more vehicles containing living and/or sleeping accommodations, which are designed and used for highway travel.
- (36) *Service station*: A place where gasoline or oil and grease or accessories are sold, supplied, or dispensed to the retail motor vehicle trade.
- (37) *Side yard*: An open unoccupied space on the same lot with a building, situated between the building and the side line of the lot, and extending through from the street or from the front yard to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.
- (38) *Stable, private*: A stable with a capacity for not more than four (4) horses, mules or other domestic animals.
- (39) *Stable, public*: A stable with a capacity for more than four (4) horses, mules or other domestic animals.
- (40) *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above.
- (41) *Story, half*: A story having an average height of not more than eight (8) feet covering a floor area of not more than seventy-five (75) percent of the area of the floor on the story next below.
- (42) *Street*: Any public thoroughfare dedicated to the public and not designated as an alley.
- (43) *Street line*: A lot line along any street other than the street upon which the lot fronts; provided, that when any lot shall extend completely from one street to another at opposite ends of the same lot, the said lot shall be deemed to front on both of such streets.
- (44) *Structural alterations*: Any change in the supporting member of building such as bearing walls, columns, beams or girders.
- (45) *Townhouse*: A building containing two (2) or more units, each of which is owned by one or more individuals or a partnership or corporation, arranged as private residences and permanently equipped for housekeeping, including structures or outbuildings thereof.
- (46) *Tract of land*: Any piece or parcel of land, whether or not divided by platting into lots.

SECTION III. ZONING DISTRICTS.

(A) In order to restrict and regulate the different land uses, the City of Hereford, Texas, is hereby divided into different classes of districts of which there shall be eleven (11), known and designated as:

- (1) "R-1" District – Single Family District
- (2) "R-2" District – Two-Family District
- (3) "TH" District – Townhouse District
- (4) "MF" District – Multi-Family, Apartment and Condominium District
- (5) "MH" District – Mobile Home District
- (6) "C-1" District – Commercial Retail District
- (7) "C-2" District – Restricted Commercial Retail
- (8) "C-3" District – Motel, Motor Court, Motor Lodge, or Tourist Court
- (9) "CB" District – Central Business District
- (10) "LI" District – Light Industrial District
- (11) "HI" District – Heavy Industrial and Manufacturing District

(B) The boundaries of each district are shown upon the map which accompanies and is made a part of this ordinance and is designated as the "Zoning Map," the boundaries being shown by various colors, letters, figures, and markings. The Zoning Map and all coloring, markings, notations, references, and other information shown on said Zoning Map shall be and are hereby made as much a part of this ordinance as if the Zoning Map and all notations, references, and other information shown thereon were all fully set forth or described herein.

(C) Except as hereinafter provided:

- (1) No building or land shall be used for any purpose other than those permitted in the district in which such building or land is located.
- (2) No building shall be erected, reconstructed, enlarged, structurally altered, or moved unless it shall conform to the regulations for the district in which such building is located.
- (3) Every building hereafter erected, enlarged, or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot, except as hereafter provided.
- (4) No lot area shall be reduced or diminished such that the yards or other open spaces shall be smaller than that prescribed by this ordinance, nor shall the yard or open spaces provided for and about any building for the purpose of complying with the yard

and lot area provisions of this ordinance be considered as providing yard or lot area for any other building or lot.

(D) All territory which may hereafter be annexed to the City of Hereford, Texas, shall be subject to all of the restrictions and regulations of this Zoning Ordinance, from and after the date of such annexation, in accordance with the following, to-wit:

- (1) Unless the ordinance annexing such territory shall otherwise specifically designate some other zoning district for such territory, or some or any part thereof, such territory shall be subject to all of the restrictions and regulations of an "R-1" District until otherwise changed by an amendment to this ordinance.
- (2) The City Commission may, as a part of any ordinance annexing additional territory to the said City of Hereford, provide specifically that such territory, or some or any part thereof, shall be subject to the restrictions and regulations of some zoning district other than an "R-1" District; provided, that no such specific provision shall be included in any such annexation ordinance until after there shall have been a hearing before the Zoning Commission, as hereinafter set forth, followed by an advisory recommendation from the Zoning Commission to the City Commission, giving its views on the appropriate zoning district for such territory.
- (3) When proceedings are instituted for the involuntary annexation of additional territory to the City of Hereford, the City Secretary shall submit a description of such territory proposed to be annexed to the Zoning Commission, with a request that said Zoning Commission conduct a public hearing on the matter, and after such hearing, issue an advisory opinion to the City Commission respecting the appropriate zoning district, or districts, for such territory. Notice of such public hearing shall be given by advertising the same in a newspaper published in the city, in the same way and manner, and for the same time, as notices of public hearing on proposed amendments to the Zoning Ordinance, except that such notice may state that the hearing will be conducted for the purpose of determining the appropriate district or districts for such territory, rather than that some specific Zoning District is proposed for such territory. No notice to property owners shall be required other than the newspaper publication hereinabove specified. Proceedings respecting such hearing, and the results thereof, shall, insofar as possible, conform to proceedings before the Zoning Commission on proposed amendments to the Zoning Ordinance, including the right of the public to be heard on the zoning matter at the meeting of the City Commission where the annexation ordinance is advertised for public hearing.
- (4) When any petition for the voluntary annexation of territory to the City of Hereford is filed, such petitioner, or petitioners, may, at any time before said petition is finally granted, designate the Zoning District proposed for such territory. If no such designation is made, or if the "R-1" District is proposed, such property, when annexed, will be annexed as an "R-1" District property; but if any other than the "R-1" District is proposed, then the petition for annexation shall not be acted upon by the City Commission until after the publication of notice, the public hearing, and the issuance of

an advisory opinion, by the Zoning Commission, in like manner as for involuntary annexations, as above provided; except that the notice of public hearing in such cases, shall state the Zoning District, or districts, proposed for such territory by the petitioner. Any petitioner who shall not be satisfied with the recommendation of the Zoning Commission concerning the territory proposed to be annexed, shall be entitled to withdraw his petition for voluntary annexation at any time before final action thereon by the City Commission, without prejudice to his right to file a subsequent petition affecting the same territory, and without prejudice to such rights as the city may have for the involuntary annexation of such territory, as provided by law.

SECTION IV. REGULATIONS FOR "R-1" DISTRICTS.

(A) "R-1" District—Single Family District.

In an "R-1" District no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Single-Family Dwellings.
- (2) Public Parks or Play Grounds.
- (3) Farming and truck gardening, but not the raising of rabbits, poultry, pets, or livestock for commercial purposes or on a scale that would be objectionable, because of noise and odor, to surrounding residences.
- (4) Accessory buildings, including servant's quarters and private garages, are permitted; provided that such buildings, other than carports, if detached from the main buildings, shall not be located nearer to the front lot line than the rear line of the main buildings, nor less than five (5) feet from any other street line, nor less than three (3) feet from either inside lot line and not to exceed one story in height nor occupy more than thirty (30) percent of the rear yard area. Any accessory building located within ten (10) feet of the main building shall be considered a part of the main building, not an accessory building. A detached carport shall conform to the front yard regulations for attached accessory buildings. The servant's quarters shall not be leased or rented to anyone other than the family of a bona fide servant giving more than fifty (50) percent of his or her time to the family occupying the premises.
- (5) The uses customarily incident to any of the above uses when situated in the same dwelling and not involving the conduct of a business; including the customary home occupations engaged in by the occupants of the dwelling and, also, including the office of a doctor, dentist, musician, artist or similar profession when situated in the same dwelling, but said incidental use shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises for anyone of the uses permitted in an "R-1" District, and further provided that no name plate, sign board, or advertising sign of any nature exceeding two (2) square feet in area shall be permitted to each residence.

- (6) Mobile homes are prohibited.
- (7) Parking regulations. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION V. REGULATIONS FOR "R-2" DISTRICTS.

(A) "R-2" District—Two-Family District.

In a "R-2" District no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in an "R-1" District.
- (2) Two-family dwelling.
- (3) Churches (except temporary revivals).
- (4) Public schools, and educational institutions having a curriculum the same as is ordinarily given in public schools.
- (5) Nurseries, but not including any sales offices.
- (6) Water supply reservoirs, wells, towers, pumping stations, fire stations, gas and electric public utility regulator stations; provided, however, that the size and location of such stations are to be determined or fixed by the City Commission.
- (7) Telephone exchange or sub-stations, but with no business office.
- (8) Accessory buildings, same as in an "R-1" District.
- (9) The uses customarily incident to any of the above uses, as in an "R-1" District.
- (10) Mobile homes are prohibited.
- (11) Parking Regulations. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION VI. REGULATIONS FOR "TH" DISTRICTS.

(A) "TH" District—Townhouse District.

In the "TH" District no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in an "R-1" or "R-2" District.
- (2) Townhouse dwellings.
- (3) Accessory buildings, same as in the "R-1" District.
- (4) Mobile homes are prohibited.

- (5) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION VII. REGULATIONS FOR "MF" DISTRICTS.

- (A) "MF" District—Multi-Family, Apartment and Condominium District.

In a "MF" District no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in an "R-1," "R-2" or "TH" District.
- (2) Boarding or lodging houses.
- (3) Hospitals and clinics, excepting mental hospitals and animal hospitals or clinics.
- (4) Hotels, in which businesses may be conducted for the sole convenience of the occupants of the building, and further provided that there shall be no entrance to such business except from the inside of the hotel building.
- (5) Non-profit religious, educational and philanthropic institutions, except penal or mental institutions.
- (6) Libraries and museums.
- (7) Private clubs, lodges, fraternities, and sororities, excepting those whose chief activity is a service customarily carried on as a business.
- (8) Multiple dwellings, apartments, apartment houses, but not including motels, motor court, or motor lodge.
- (9) Mobile homes are prohibited.
- (10) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION VIII. REGULATIONS FOR "MH" DISTRICTS.

- (A) "MH" District—Mobile Home District.

In the "MH" District no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than the following uses:

- (1) A mobile home, situated on a lot or lots in a mobile home subdivision, as defined and regulated in an ordinance of this city.
- (2) A mobile home park, as defined and regulated in an ordinance of this city.
- (3) Such uses as are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings, swimming pools, private club house, laundry facilities and

storage facilities for use of the residents of the mobile home park, and open recreation areas.

- (4) Accessory buildings, including private garages, are permitted, provided that such buildings other than carports, if detached from the main building, shall be located totally within the rear thirty (30) feet of the lot and shall be not less than five (5) feet from any other street line, nor less than three (3) feet from either inside lot line and not to exceed one story in height.
- (5) It shall be unlawful for any persons to locate or maintain any mobile home in any place in the city other than in a lawfully designated mobile home park or a mobile home subdivision.
- (6) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION IX. REGULATIONS FOR "C-1" DISTRICTS.

(A) "C-1" District—Commercial Retail District.

In the "C-1" District no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in any "R-1," "R-2," "TH," or "MF" District.
- (2) Bank, office, studio.
- (3) Gasoline service stations and liquefied petroleum gas service station; provided that any liquefied petroleum gas service station shall comply with all the rules and regulations of any ordinance of the City of Hereford applicable thereto, and any and all applicable rules and regulations of the Railroad Commission of the State of Texas; and provided further, that all storage tanks for such liquefied petroleum gas service stations shall be placed below ground when such stations are located in the "C-1" District or "C-3" District; but may be placed above the ground, if otherwise permitted, when such liquefied petroleum gas service stations are located in the "LI" District or "HI" District.
- (4) Restaurant, cafe.
- (5) Retail pressing, dyeing and cleaning shops.
- (6) Retail stores, barber shop, beauty shop, and other shops for custom work or custom shops where articles are made to be sold at retail on the premises. Provided that no "second hand goods" store or yard shall be permitted in a "C-1" District.
- (7) Hotels.
- (8) Mortuary.
- (9) Greenhouses, florist shop, nursery office.

- (10) Bakery, laundry, washaterias, candy manufacturing, when not employing more than five (5) persons on the premises.
- (11) Theaters and similar amusement places.
- (12) Photographers' studios.
- (13) Music or dancing studio.
- (14) Catering establishments.
- (15) Printing shops, job printing.
- (16) Sales and show rooms.
- (17) Store or shop for the conduct of a retail business, including the sale of beer and wine, for off-premise consumption.
- (18) Shoe repair shops.
- (19) Parking lots.
- (20) Retail carpet cleaning.
- (21) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION X. REGULATIONS FOR "C-2" DISTRICTS.

(A) "C-2" District—Restricted Commercial Retail District.

In the "C-2" District, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than the following uses:

- (1) Any use permitted in the "C-1" District with the following exceptions:
 - (a) Service stations.
 - (b) Liquefied petroleum gas service stations.
 - (c) Drive-in restaurants or cafes.
 - (d) Washaterias or laundries.
- (2) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION XI. REGULATIONS FOR "C-3" DISTRICTS.

(A) "C-3" District—Motel, Motor Court, Motor Lodge or Tourist Court District.

In the "C-3" District no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in any "R-1," "R-2," "TH" or "MF" District, provided, however, that the lot area regulations of such of the aforesaid districts as is applicable shall be complied with as to any use permitted under this subsection.

- (2) Motels, motor courts, motor lodge or tourist courts.
- (3) Recreational vehicle parks.
- (4) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION XII. REGULATIONS FOR "CB" DISTRICTS.

(A) "CB" District—Central Business District.

In the "CB" Districts no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in any "R-1," "R-2," "TH," "MF," "C-1," "C-2," or "C-3" District.
- (2) Commercial advertising signs, bulletin and billboard, when related to any business or other activity conducted on the same premises; provided, that signs related to churches or other places of worship, or to museums, shall not be prohibited.
- (3) Amusement places, theaters, and moving picture shows.
- (4) Automobile sales and repair shops.
- (5) Bakeries, bottling works.
- (6) Beer parlors, saloons, and places where beer and intoxicating liquors are sold for consumption off the premises.
- (7) Business or commercial school or dancing or music academy.
- (8) Building material storage yards, new materials.
- (9) Candy manufacturing.
- (10) Electric shop: electro plating, including armature winding, galvanizing.
- (11) Garages, storage and repair.
- (12) Laundry, dyeing and cleaning plants.
- (13) Motor freight depot.
- (14) Ice cream manufacture, milk pasteurization and bottling plants, but not including the processing and manufacture of other dairy products.
- (15) Ice plants.
- (16) Lumber yards.
- (17) Locker plants, but not including slaughtering of animals.
- (18) Painting shops.
- (19) Plumbing shop.

- (20) Printing shops, newspaper printing, job printing.
 - (21) Tire repair shop.
 - (22) Tin shops.
 - (23) Second hand goods store, when entirely enclosed in a building.
 - (24) Second hand automobiles sales yard, not including wrecking.
 - (25) Storage warehouses.
 - (26) Wholesale houses, wholesale offices and sample rooms.
 - (27) Any use not included in any other district, provided such use is not offensive or obnoxious by reason of the emission of odor, dust, smoke, gas fumes, noise or vibration; and provided that no kind of manufacture or treatment not listed above shall be permitted in a "CB" District.
 - (28) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.
- (Ord. No. 1220, 12-5-88)

SECTION XIII. REGULATIONS FOR "LI" DISTRICTS.

(A) "LI" District—Light Industrial District.

In a "LI" District no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in any "R-1," "R-2," "TH," "MF," "C-1," "C-2," "C-3" or "CB" District.
- (2) Blacksmith shops.
- (3) Central mixing plant for concrete, plaster or paving materials.
- (4) Commercial amusement parks; skating rinks.
- (5) Machine shops.
- (6) Mattress manufacture.
- (7) Any use not included in any other district, provided such use is similar to those permitted in this district and provided that such use is not offensive or obnoxious by reason of the emission of odor, dust, smoke, gas fumes, noise or vibration.

SECTION XIV. REGULATIONS FOR "HI" DISTRICTS.

(A) "HI" District—Heavy Industrial and Manufacturing District.

In any "HI" District no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in any "R-1," "R-2," "TH," "MF," "C-1," "C-2," "C-3," "CB" or "LI" District.
- (2) Acetylene storage and manufacturing.
- (3) Asphalt manufacturing or refining.
- (4) Automobile wrecking yards.
- (5) Brick and tile, concrete block manufacturing.
- (6) Brewery.
- (7) Bag cleaning.
- (8) Broom manufacture.
- (9) Boiler works.
- (10) Chicken hatcheries.
- (11) Creamery and dairy products manufacture and processing, wholesale milk plants.
- (12) Cold storage plant.
- (13) Contractors plant or storage yard.
- (14) Canning plants.
- (15) Coal yards.
- (16) Feed mill, flour mill.
- (17) Grain elevators.
- (18) The storage and distribution of gasoline, and petroleum products, including butane, propane and other liquefied petroleum gases.
- (19) Hospitals and clinics for animals, veterinary hospitals.
- (20) Iron, steel, brass and copper foundry and fabrication plants.
- (21) Planing mill.
- (22) Poultry houses, killing, dressing, and storage of live poultry, egg breaking and canning plant.
- (23) Paper box manufacture.
- (24) Penal or correctional institutions.
- (25) Railroad roundhouse, or shops.
- (26) Rock crusher.

- (27) Rolling mill.
- (28) Storage or bailing of rags, iron, junk or paper.
- (29) Stone monumental works.
- (30) Potato houses—Vegetable packing plants.
- (31) Wool scouring plant.
- (32) Manufacturing and industrial operations of a similar nature to those listed above and not prohibited by the Special Use Regulations of this ordinance or by other ordinances of the City of Hereford, Texas.
- (33) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION XV. SPECIAL USE REGULATIONS—GENERALLY.

(A) Except in those cases where a special use permit may be granted by the City Commission, pursuant to Section XVII of this ordinance, no building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed for any of the following uses:

- (1) Abattoir.
- (2) The manufacture of butane, propane and other liquefied petroleum gas products.
- (3) Cotton compress, cotton ginning, cotton warehouse, and cotton seed warehouse and cotton seed products manufacture.
- (4) Distillation of bones.
- (5) Fertilizer manufacture.
- (6) Fat rendering.
- (7) Manufacture or storage of explosives.
- (8) Garbage, offal, or dead animals, reduction or dumping.
- (9) Glue manufacture.
- (10) Livestock feeding yards and pens and animal slaughtering and packing.
- (11) Livestock auction barns and pens.
- (12) Refining of petroleum products.
- (12A) The drilling of any well designed for the production of oil or gas.
- (13) Tanning, curing or storage of raw hides or skins.
- (14) Any other uses not listed in the "R-1," "R-2," "TH," "MF," "C-1," "C-2," "C-3," "CB," "LI," or "HI" District, which might be objectionable to, or adversely affect, the

property within the city limits of the City of Hereford, Texas, because of the emission of obnoxious or offensive odors, dust, gas, fumes, smoke, noise or vibration.

- (15) Parking regulation. Off-street parking shall be provided in accordance with the requirements of Section XXV.

SECTION XVI. SPECIAL USE REGULATIONS—PROPERTY LOCATED WITHIN FIVE THOUSAND FEET OF THE CITY LIMITS.

- (A) Property located within five thousand (5,000) feet of the city limits.

Except in those cases where a special use permit may be granted by the City Commission, pursuant to Section XVII of this ordinance, no building or land located within five thousand (5,000) feet of the City Limits of the City of Hereford, Texas, in any direction from any point on said city limit line, shall be used, and no building shall hereafter be erected or structurally altered within such distance of five thousand (5,000) feet from the city limits, which is arranged or designed for any of the following uses:

- (1) Abattoir.
- (2) Butane, propane, etc. gas manufacture or storage.
- (3) Cotton compress, cotton ginning, cotton warehouse, and cotton seed warehouse and cotton seed products manufacture.
- (4) Distillation of bones.
- (5) Fertilizer manufacture.
- (6) Fat rendering.
- (7) Manufacture or storage of explosives.
- (8) Garbage, offal, or dead animals, reduction or dumping; provided, however, that it shall not be unlawful to dump refuse or other materials in a sanitary landfill dump operated and maintained by the City of Hereford.
- (9) Glue manufacture.
- (10) Livestock feeding yards and pens, and animal slaughtering and packing.
- (11) Livestock auction barns and pens.
- (12) Refining of petroleum products.
- (13) Tanning, curing or storage of raw hides or skins.
- (14) Any other uses not listed as permissible in the zoning ordinance of the City of Hereford, which might be objectionable to, or adversely affect the property within the City Limits of the City of Hereford, Texas, because of the emission of obnoxious or offensive odors, dust, gas, fumes, smoke, noise or vibration.

SECTION XVII. SPECIAL USE PERMITS.

(A) Subject to the provisions of this section, the City Commission of the City of Hereford shall have the power to grant special use permits, in specific cases, as exceptions to the prohibited use, erection or structural alteration of buildings or lands provided in Section XV and XVI of this ordinance.

(B) Any such special use permit so granted shall be limited in its application to the specific tract of land specified therein, and to the specific use of such land and its improvements as are contained in the special use permit so granted. Failure of the grantee of such permit, or his successors or assigns, to comply with the terms of such special use permit, if his action is otherwise prohibited by this ordinance, shall be deemed a violation of such ordinance, subject to the penalties provided herein.

(C) Special use permits shall be granted only in those cases where the city commission finds that the special use applied for will not, under the circumstances then existing or reasonably contemplated in the future, adversely affect other nearby property because of the emission of obnoxious or offensive odors, dust, gas, fumes, smoke, noise or vibration.

(D) Applications for special use permits shall be made, public notice given, and such applications acted upon by the Zoning Commission and City Commission, and like fees shall be paid by the applicant, as is herein provided for amendments to this ordinance in Section XXXI hereof.

(E) The City Secretary shall maintain a permanent file of all special use permits granted under the authority hereof, which shall be at all times open to public inspection. The City Building Inspector shall be furnished with a copy of each such special use permit granted and shall be charged with continuing responsibility and authority to require strict compliance with the terms thereof by the respective grantees, their successors and assigns.

SECTION XVIII. NON-CONFORMING USES.

(A) Any use of property existing at the time of the passage of this ordinance, or subsequent amendments thereto, that does not conform to the regulations set forth in this ordinance shall be deemed a non-conforming use.

(B) The lawful use of land existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, may be continued; however, if such non-conforming use is discontinued, any future use of said premises shall conform to the provisions of this ordinance.

(C) The lawful use of a building existing at the time of the passage of this ordinance may be continued, although the use does not conform to the provisions of this ordinance, and such use may be extended throughout the building; provided, no structural alteration, except those required by law or ordinance, are made thereto. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification; provided that, in the event a non-conforming use of a building

is once changed to a non-conforming use of a higher or more restricted classification, such use shall not thereafter be changed to a lower or less restricted classification.

(D) If a building occupied by a non-conforming use is destroyed by fire, explosion, or other casualty, it may not be reconstructed or rebuilt except to conform to the requirements of this ordinance. However, nothing in this ordinance shall be construed to prevent restoration of a building destroyed or damaged to the extent of not more than sixty (60) percent of its reasonable value, by fire, explosion, acts of God, or other casualty, nor the continued occupancy or use of such building, or part thereof, which existed at the time of such partial destruction.

(E) In the event that a non-conforming use of any building or land is discontinued for a period of one year, any subsequent use of said building or land shall conform to the uses permitted in the district in which it is located.

SECTION XIX. BUILDING HEIGHT REQUIREMENTS.

(A) The height of buildings in "R-1," "R-2" and "TH" Districts shall not exceed thirty-five (35) feet or two (2) stories, and the heights of buildings in the "MF," "C-1," "C-2," and "C-3" Districts shall not exceed forty-five (45) feet or three (3) stories.

In the "R-2," "MF," "C-1," "C-2" and "C-3" Districts, public or semi-public buildings, hotels, apartments, hospitals, churches or schools, when permitted in such districts, may be erected to a height not exceeding seventy-five (75) feet when the front, side and rear yards are each increased an additional foot for each two (2) feet, or fractions thereof, of additional building height above the height limit established for the particular district in which the building is located. Accessory buildings are not to exceed one story in height.

(B) The height of buildings in "CB," "LI" and "HI" Districts shall not exceed one hundred fifty (150) feet at the street line; however above the height permitted at the street line, four (4) feet may be added to the height of the building for each one (1) foot that the building or portion thereof above the first story is set back from the required yard lines; provided, however, that the cubical content of such a building shall not exceed the cubical content of a prism having a base equal to the area of the lot and a height of one hundred fifty (150) feet.

(C) Chimneys, water towers, pent houses, scenery lofts, monuments, cupolas, domes, spires, standpipes, cooling towers, parapet walls, radio towers, similar structures and necessary mechanical appurtenance may be erected as to their height in accordance with existing or hereafter adopted ordinances of the City of Hereford, Texas.

SECTION XX. FRONT YARD REGULATIONS.

(A) In the "R-1," "R-2," "TH," "MF," and "MH" Districts there shall be a front yard having a depth of not less than twenty-five (25) feet, measured from the front property line of the lot to the front of the building, covered porch or terrace or attached accessory building; provided, however, that if fifty (50) percent or more of the property on one side of a street, within the block, is improved with buildings, the required front yard depth need not exceed the average front yard depth of the existing buildings.

(B) In the "C-1," "C-2" and "C-3" Districts there shall be a front yard having a depth of not less than twenty (20) feet measured from the front property line of the lot to the front of the building, covered porch or terrace or attached accessory buildings; provided that on corner lots, the required front yard shall be provided on each street unless the property is used for dwelling purposes.

(C) In the "CB," "LI," and "HI" Districts, no front yard is required except in the following circumstances:

- (1) When a building is erected or structurally altered for dwelling purposes, there shall be a front yard having a depth of not less than fifteen (15) feet; and
- (2) When a building is erected or structurally altered on any lot abutting any state or federal highway in the city, there shall be a front yard having a depth of not less than ten (10) feet.

SECTION XXI. REAR YARD REGULATIONS.

(A) In all districts where buildings are erected or structurally altered for dwelling purposes there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot, provided such rear yard need not exceed thirty (30) feet.

(B) In the "C-1," "C-2" and "C-3" Districts there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot, provided such rear yard need not exceed thirty (30) feet.

(C) In the "CB," "LI" and "HI" Districts, when the property is not used for dwelling purposes, and when not abutting on the rear on a Dwelling District, no rear yard shall be required. If abutting on the rear of an "R-1," "R-2," "TH" or "MF" District, there shall be a rear yard of not less than ten (10) feet.

(D) In computing the required depth of a rear yard for any building where such rear yard abuts an alley, the depth of said lot may be considered to the center of the alley, and the required depth of said rear yard measured from the center of the alley.

(E) In the "C-3" Districts, when the property is used for tourist courts or lodges, or motels, the required rear yards shall be the same as in the "CB" District, but when the property is used for any other purpose, the required rear yards shall be the same as "C-1" District.

SECTION XXII. SIDE YARD REGULATIONS.

(A) In the "R-1," "R-2," "TH," "MF" and "MH" Districts, and all other districts where a building is erected or structurally altered for dwelling, there shall be two (2) side yards, one on each side of the building. The combined width of the two (2) side yards shall be not less than twenty (20) percent of the width of the lot, provided that the combined width need not exceed twelve (12) feet and that in no case shall either side yard be less than five (5) feet in width.

(B) In the "C-1," "C-2," "C-3," "CB," "LI" and "HI" Districts if the property is not used for dwelling purposes no side yard is required, unless the lot abuts upon the side of a lot in any

"R-1," "R-2," "TH," or "MF" District, in which case, a side yard of not less than five (5) feet shall be provided on the side abutting said "R-1," "R-2," "TH," "MF" or "MH" District. In any case where a side yard is provided but not required by this ordinance, such side yard shall be not less than three (3) feet in width.

(C) For the purpose of side yard regulations, two (2) or more detached one- or two-family dwellings shall be considered as one building when occupying one lot; provided that there shall be a minimum of ten (10) feet between the sides of the buildings.

(D) In the case of multi-family housing of any kind where entrances are provided into side yards, the width of the side yard shall be increased by one foot for each such side yard entrance and further provided that if any stairways open onto or are served by such side yard, a side yard of not less than ten (10) feet shall be provided.

(E) The width of a place, court or interior court shall be not less than thirty (30) feet, measured between buildings, or from buildings to the property line forming such place or court, provided covered porches or terraces may project into such required place or court not more than twenty (20) percent of the width of such place or court.

(F) Every part of a required yard, place or court shall be unobstructed from its lowest point to the sky, provided that sills, cornices, and belt courses may project into the required yard, place or court not more than twenty-four (24) inches.

(G) On corner lots the side yard regulations shall be the same as for interior lots except in the case of reversed frontage when the corner lot or building faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, and of record at the time of passage of this ordinance, to less than twenty-eight (28) feet, not to prevent the erection of an accessory building where this regulation cannot reasonably be complied with.

(H) In the case of a building constructed and used as a two-family dwelling, but with divided ownership as defined in Section II(16) hereof, and where the said land and building are so owned that each owner has a front yard and a rear yard, there need be no intervening side yard between the two (2) separately owned parts of the building.

SECTION XXIII. LOT AREA REGULATIONS.

(A) In the "R-1" Districts, the minimum area of the lot shall be six thousand (6,000) square feet.

(B) In the "R-2" Districts, the minimum area of the lot shall be five thousand (5,000) square feet for a single-family dwelling and six thousand (6,000) square feet for a two-family dwelling.

(C) In the "TH" Districts, the minimum area shall be not less than two thousand (2,000) square feet, or equivalent thereof, per dwelling unit.

(D) In the "MH" Districts, the minimum area of the lot shall be four thousand (4,000) square feet, unless otherwise provided by specific terms of a separate mobile home subdivision ordinance of this city, in which event such subdivision ordinance shall be controlling.

(E) In the "MF," "C-1," "C-2" and "C-3" Districts, the minimum area of the lot shall be four thousand (4,000) square feet for a single-family dwelling and five thousand (5,000) square feet for a two-family dwelling; and for apartment houses, multi-family dwellings, or buildings arranged or designed for more than two (2) families, the minimum area of the lot shall be five thousand (5,000) square feet plus one thousand (1,000) square feet for each family unit in excess of two (2).

(F) In the "CB" and "LI" Districts, the minimum area of the lot shall be four thousand (4,000) square feet for a single-family dwelling and five thousand (5,000) square feet for a two-family dwelling; and for apartment houses, multi-family dwellings or buildings designed or arranged for more than two (2) families, the minimum area of the lot shall be five thousand (5,000) square feet plus five hundred (500) square feet for each family unit in excess of two (2).

(G) In the "HI" District, the minimum area of the lot shall be three thousand (3,000) square feet for a single-family dwelling and four thousand (4,000) square feet for a two-family dwelling; and for apartment houses, multi-family dwellings or buildings designed or arranged for more than two (2) families the minimum area of the lot shall be four thousand (4,000) square feet plus five hundred (500) square feet for each family unit in excess of two (2).

SECTION XXIV. PROHIBITING OBSTRUCTION OF VIEW ON LOT BOUNDARIES.

(A) On any lot on which a front yard is required by this ordinance, no wall, fence or other structure shall be erected, and no hedge, tree, shrub, or other growth or structure of any kind shall be maintained in such location within such required front yard so as to obstruct the view.

(B) Any fence, wall, hedge, shrubbery, or other growth or structure of any kind, higher than a base line extending from a point two and one-half (2½) feet above walk grade at the walk to a point four and one-half (4½) feet above walk grade at the depth of the front yard required is hereby declared to be an obstruction to view except single trees having a single trunk which are pruned to a height of seven (7) feet above walk grade.

(C) Notwithstanding any other provision of this ordinance concerning non-conforming uses, all non-conforming fences, walls and other structures except buildings shall be removed or altered or otherwise caused to conform to this section and all non-conforming trees, shrubs, hedges and other growths shall be removed, trimmed or pruned so as to conform to this section, within a period of six (6) months from the date of passage of this ordinance.

SECTION XXV. VEHICLE PARKING REGULATIONS.

(A) Except as hereafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract, or an immediately contiguous lot or tract, or within two hundred (200) feet of such building or structure, vehicle parking in the following ratio of

vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this ordinance need not provide vehicle parking as hereinafter set forth and that no existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required. In all business zones, the parking areas shall be paved.

- (1) In the following zoning districts, the minimum off-street parking spaces for residential uses shall be:
 - (a) All zoning districts "R-1" through "HI," when used for residential use, shall provide two (2) spaces for each dwelling unit.
- (2) In the following non-residential zoning districts, the minimum of off-street parking spaces shall be as follows:
 - (a) Banks and all other similar financial establishments—One (1) space for each three hundred (300) square feet of floor area.
 - (b) Bowling alley — Six (6) spaces for each lane.
 - (c) Clinics and/or doctors' offices — One (1) space for each three hundred (300) square feet of floor area (minimum of five (5) spaces).
 - (d) Convalescent home, rest home or home for aged — One (1) space for each six (6) beds.
 - (e) Gasoline service station — Minimum of six (6) spaces.
 - (f) Golf course — Minimum of thirty (30) spaces.
 - (g) Hospitals — One (1) space for every two (2) beds.
 - (h) Hotel or motel — One (1) space for each room unit or guest accommodation.
 - (i) Library or museum — Ten (10) spaces plus one (1) for each three hundred (300) square feet of floor area.
 - (j) Manufacturing, processing or repairing — One (1) space for each one thousand (1,000) square feet of floor area.
 - (k) Offices, general — One (1) space for each four hundred (400) square feet of floor area (minimum five (5) spaces).
 - (l) Places of public assembly not listed — One (1) space for each three (3) seats provided.
 - (m) Restaurant, cafe or cafeteria — One (1) space for every three (3) seats under maximum seating arrangements (minimum of five (5) spaces).
 - (n) Retail or personal service — One (1) space for each two hundred (200) square feet of floor area (minimum of five (5) spaces).
 - (o) Storage or warehousing — One (1) space for each one thousand (1,000) square feet of floor area.
 - (p) Theaters, meeting rooms and places of public assembly — One (1) space for every three (3) seats.
- (3) Parking requirements for new and unlisted uses:
 - (a) Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.

SECTION XXVI. ENFORCEMENT.

The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Hereford. All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. A record of such applications and plats shall be kept in the office of the Building Inspector.

SECTION XXVII. ZONING MAP.

(A) The Zoning Map of the City of Hereford, which is made a part of this ordinance, and shall be considered as much a part of the same as if the matters of information set forth thereby were all fully contained and described herein, shall be in duplicate originals, and is hereby adopted in duplicate, each of which shall bear the signature of the Mayor and attestation of the City Secretary for identification and authentication; one of said duplicate originals, together with this ordinance, shall be enrolled by the City Secretary upon the Minutes of Ordinances, the other duplicate original shall be framed and hung at some convenient place in the City Hall for the use and benefit of the public.

(B) When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning map are intended to be along existing street, alley or property lines, or extensions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line.

(C) Where the street layout actually on the ground varies from the street layout on the zoning map, the Board of Adjustments may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular plan in question.

(D) Where the district boundaries are not otherwise indicated, and where the property has been or hereafter may be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the map accompanying and made a part of this ordinance, are bounded approximately by lot lines, such lot lines shall be construed to be the boundary of such districts unless such boundaries are otherwise indicated on the map.

(E) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by the use of the scale contained on such map.

SECTION XXVIII. CERTIFICATE OF OCCUPANCY AND COMPLIANCE.

(A) No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building, or proposed use of a building or premises, complies with the building laws and the provisions of this ordinance.

(B) Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(C) No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.

SECTION XXIX. COMPLETION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the passage of this ordinance and which entire building shall be completed within one year from the passage of this ordinance. Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued, and which entire building shall be completed within one year from the date of the passage of this ordinance. If any amendment to this ordinance is hereafter adopted, changing the boundary of districts, the provisions of this ordinance with regard to buildings or premises existing or building under construction, or building permits issued at the time of the passage of this ordinance, shall apply to buildings or premises existing or building under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

SECTION XXX. BOARD OF ADJUSTMENT.

(A) There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by the City Commission for a term of two (2) years and removable for cause by the appointing authority. Vacancies shall be filled by the appointment by the original appointing authority of a suitable person to serve out the unexpired term of any member whose place on the board has become vacant for any cause. The Board shall designate from its members a chairman and a secretary, who shall perform the duties of such officers; and in case of the absence of either of such officers from any meeting of said Board, another of the members of the Board shall be designated to act in his place.

The Board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards to make such exemptions from the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public.

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its

proceedings, showing the vote of each member upon each question, or, if absent, of failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

(B) Appeals to the Board of Adjustment can be taken by any person aggrieved by a decision of any administrative officer of the City of Hereford concerning the interpretation or enforcement of this ordinance, or by any office or department of the municipality affected by any decision of such administrative officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for a hearing of an appeal, give the public notice thereof by advertising such hearing one time in a newspaper of general circulation in the City of Hereford not less than three (3) days prior to such hearing, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney or by agent.

(C) The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official of the City of Hereford in the enforcement of this ordinance.
- (2) To hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass under this ordinance.
- (3) To authorize upon appeal in special cases, such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

(D) In exercising its powers the Board may, in conformity with the provisions of Articles 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, as amended, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed

from and make such order, requirement, decision, or determination as ought to be made, and shall have all powers of the officer from whom the appeal is taken.

(E) The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to effect any variances in said ordinance.

(F) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, any officer, or department of the municipality may present to a court or record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the Office of the Board and not thereafter, to be determined by said court in accordance with law.

(G) At the time of filing an appeal to the Board of Adjustment, the person filing such appeal shall pay to the City Secretary a fee of fifty dollars (\$50.00), which shall become a part of the general fund of the City of Hereford, and out of such general fund shall be paid the costs of publication of the notice of public hearing required by this ordinance, provided, however, that when such appeal is filed by an office or department of the municipality, or by any officer of the city in his official capacity, the payment of such fees shall not be required.

SECTION XXXI. AMENDMENTS AND CHANGES.

(A) The City Commission may from time to time amend, supplement, or change, by ordinance, the boundaries of the districts, or the regulations herein established.

(B) Before taking action on any proposed amendment, supplement, or change, the City Commission shall submit the same to the Zoning Commission for its recommendation and report.

(C) A public hearing shall be held by the Zoning Commission before making its recommendation and report on any proposed amendment, supplement, or change submitted to it by the City Commission. Notice of such hearing shall be given by publishing the same one time in a newspaper of general circulation, published in the City of Hereford, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of such publication. In addition to the publication of such notice, written notice of all public hearings before the Zoning Commission on proposed changes in classification of property shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given, not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the City Post Office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given

by publication only, as hereinabove provided. Both the written notice to the property owners and the newspaper publication of such notice shall state that the recommendation of the Zoning Commission shall be considered by the City Commission at its next regular meeting after the date of such public hearing of the Zoning Commission, specifying therein the date of such meeting of the City Commission.

(D) Unless such proposed amendment, supplement, or change has been approved by the Zoning Commission, or if a protest against such proposed amendment, supplement or change, has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the City Commission.

(E) When any person owning, or having an interest in, any property within the City of Hereford, shall make application to the City Commission for a change in the classification of such property under this Zoning Ordinance, such person shall, at the time of making such application, pay to the City Secretary a fee in the sum of fifty dollars (\$50.00) in payment of the cost of giving public notice of the public hearing required to be held in connection with such proposed change. Said fee shall be deposited in the general fund of the City of Hereford, and the cost of publishing the said notice in the newspaper, and of giving written notice to property owners within two hundred (200) feet of such property as to which a change is proposed, shall be payable out of said general fund.

SECTION XXXII. PENALTY FOR VIOLATION.

Any person or corporation that shall violate any of the provisions of this ordinance, or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00), and each day that such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who shall have assisted in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof, shall be fined as herein provided.

SECTION XXXIII. VALIDITY OF ORDINANCE.

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so held to be invalid or unconstitutional.

SECTION XXXIV. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance shall be, and the same are hereby, expressly repealed, but all ordinances and parts of ordinances pertaining to the same subject matter, and not in conflict and not inconsistent with the terms of this ordinance, shall continue in full force and effect and shall be deemed cumulative of this ordinance.

SECTION XXXV. EFFECTIVE DATE.

This ordinance shall take effect and shall be in full force from and after its passage and publication as provided by the City Charter.

ORDINANCE DISPOSITION TABLE

This table shows the disposition of ordinances which amend the zoning ordinance adopted by Ordinance 1193, on February 16, 1987:

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