



Caney City Zoning Ordinance

December 9, 1999

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I. **Introduction**

For the purpose of this chapter, the following words and phrases shall have the meaning herein ascribed to them. Generally, words in the present tense shall include future; words in the singular shall include the plural number and words in the plural number shall include the singular; the words "building" shall include the word "structure" and the word "lot" shall include the word "plot."

II. **Purpose**

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the city. They have been designed to lessen congestion in the streets; to secure 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; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for the particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

III. **Types of Buildings**

- A. **Accessory**
A subordinate use or separate building customarily incident to and located upon the same lot with the use or building.
- B. **Accessory building**
A small building for subordinate use such as is customarily used in connection with the use of the main building located upon the same lot.
- C. **Apartment**
A room or suite of rooms in a building arranged, designed or occupied as a residence of an individual or family.

D. Apartment House

A room or suite of rooms in a building arranged, designed or occupied by three (3) or more families or group of individuals not members of the same family.

E. Boardinghouse

A building other than a hotel where lodging or meals for three (3) or more persons, not members of the household, are served for compensation.

F. Condominium

A single-family residence with zero lot lines, made up of two (2) or more adjoining structures with common ownership of various accommodations, such as a swimming pool, etc.

G. Family

A family is any number of individuals living together as a single housekeeping unit.

H. Mobile Home

1. A dwelling unit, factory-built and factory-assembled, designed for conveyance after fabrication, on streets and highways on its own wheels it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundations, or connection to utilities.

2. Also known as a structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and 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 system.

3. A mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home for any purpose under the laws of Texas.
4. This prohibition would not apply to mobile homes, which already exist in the city.

I. **Manufactured Home (Modular Home)**

A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a customer, transportable in one (1) or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heat, air conditioning and electrical system contained in the structure. The term does not include a mobile home, as defined; nor does it include building modules incorporating concrete or masonry as the primary structural component.

J. **Nonconforming use**

A building that is a violation of the building code of the district.

K. **Single Family Residence**

A detached building having accommodations for and occupied by only one family, containing not less than eight hundred (800) square feet of floor space, except on special permit obtained from the City Council.

L. **Two Family Residence (Duplex)**

A detached building having separate accommodations for and occupied as a resident by two (2) families and containing not less than one thousand two hundred (1,200) square feet of floor space.

M. Pre-Fabrication Homes

Homes that are assembled in a factory and are brought to a location one section at a time.

N. Structural Alteration

Any change in the supporting members of a building, including but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

O. Trailer means any of the following:

1. Travel trailer

A vehicular, portable structure built chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.

2. Pickup coach

A structure designed to be mounted on a chassis for use as a temporary dwelling for travel, recreational and vacation uses.

3. Motor home

A portable, temporary dwelling to be used for travel, recreational and vacation uses, constructed as an integral part of a self-propelled vehicle.

4. Camping trailer

A folding structure mounted on wheels and designed to be used as a temporary dwelling for travel, recreational and vacation uses.

IV. Zoning Districts

A. Residential Areas

1. All of Barron Road is residentially zoned, with only single-family residences being permissible. Barron Road will also be zoned "light commercial."
2. Deep Water Bay Addition shall be residentially zoned with only single-family residences being permissible. Such residences shall not be on lots of less than 1,600 square feet.
3. Presidio Drive shall be residentially zoned with only single-family residences being permissible. Such residences shall not be on lots of less than 2,400 feet.
4. Blackburn Addition shall be residentially zoned, with only single-family residences being permissible. Such residences shall not be on lots of less than 2,400 square feet.
5. Hubbard Road, Richardson, Langley, Blair, and Thomas Streets are residentially zoned with only single-family residences being permissible.

B. Residential Mobile and Pre-Fabrication Homes

Bridgeview, which includes Boatman, Leroy Kirby, Smothers, and Cappy Streets are zoned residential with single-family residences, two family residences, and pre-fabricated homes being permissible.

C. Any citizen requesting a variance to any of the residentially zoned are noted above in Section IV (A) and (B), may do so in the following manner:

1. Submit a written request to the city that sets forth the proposed location of a residence, the type of residence to be constructed on or moved to the proposed location, any blueprints or architectural maps/models of the residence, and a metes and bounds description of the lot where the residence is to be located. Furthermore, the citizen must set forth the current zoning restriction in effect in the proposed area.

2. The citizen will be put on the agenda for the next scheduled Caney City-City Council meeting, and be given the opportunity to explain his or her variance request to the City Council.
3. The City Council will vote on the variance request, denying or granting the variance by a majority vote.
4. If such a variance request is denied by the City Council, no further request may be made to the City Council for one year.

D. Business Zoning

1. All of Hwy 198 is to be zoned "Light Commercial."
2. Light Commercial businesses include the following:
 - a. Food stores
 - b. Dry good stores
 - c. Household family service establishments
 - d. Recreation or sport stores
 - e. Drug stores and pharmacies
 - f. Eating establishments
 - g. Vehicle and equipment sales and services
 - h. Child day care facilities
 - i. Lumber and building materials
 - j. Furniture and appliance stores
 - k. Personal service establishments
(i.e. barber and beauty shops)
 - l. Professional services
(i.e. accounting, law, doctor's office)
 - m. Financial institutions
 - n. Hotels/motels
 - o. Gasoline service station and car washes
 - p. Hospital/clinics
 - q. Automotive repair facilities
 - r. Funeral homes and mortuaries
 - s. Churches and other houses of worship
 - t. Governmental buildings and facilities
 - u. Public and private utilities, excluding sanitary landfills, incinerators, refuse and trash dumps.

3. Heavy commercial business- businesses that are harmful to the environment and/or its inhabitants.

These businesses include:

- a. Industrial research laboratories
- b. Medical research laboratories
- c. General science laboratories
- d. Pipeline and petroleum transporting enterprises
- e. Asphalt, concrete products, or central mixing and proportioning plants
- f. Flower, feed, and grain packaging, blending and storage
- g. Businesses involved in the manufacturing of fertilizer, organic or non-organic
- h. Petroleum storage
- i. Landfills, dumps, and trash refuse facilities

V. **Businesses**

A. **Business Regulations**

Commercial Businesses and Property are to have no pre-fabricated homes or RVs, along with businesses that involve gambling or the solicitation of illegal sexual activities in any matter.

B. **"Light Commercial"**

1. All of Hwy 198 is to be zoned "Light Commercial."
2. Barron Rd. (a.k.a. FM 1214) is Residential and "Light Commercial."
3. These businesses are to in no way, shape, or form to contain any kind of housing (i.e. sleeping quarters, resting areas, RVs, manufactured homes, travel trailers, mobile or pre-fabricated homes).

C. Gambling

1. Definitions:

- a. **"Bet"**- means an agreement to win or lose something of value solely or partially by chance. A bet does not include:
 - i. Contracts of indemnity or guaranty, or life, property, or accident insurance.
 - ii. An offer of a prize, award, or compensation to actual contestants in a bona fide contest for the determination of skill, speed, strength, or endurance to the owners of animals, vehicles, watercraft, or aircraft entered in a contest, or
 - iii. An offer of merchandise, with a value not greater than \$25.
- b. **"Gambling device"**- any electronic electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill (i.e. eight liner or sixteen liner)
- c. **"Altered gambling equipment"**- any contrivance that has been altered in some manner, including, but not limited to, shaved dice, loaded dice, magnetic dice, mirror rings, electronic sensors, shaved cards, marked cards, and any other equipment altered or designed to enhance the actor's chance of winning.
- d. **"Bookmaking"**- to receive and record or to forward more than five bets or offers to bet in a period of 24 hours and receive more than \$1,000 in winnings in a period of 24 hours.

2. A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control or rents or lets any such property with a view or expectation that it be so used.
3. An offense as described above in #2 may be punishable by a fine not to exceed \$500.

VI. Permits

No more businesses will be in the residential area unless approved by 75% of property owners. All buildings must conform with the standards of the City of Caney City within sixty (60) working days after starting, or from the date the City Council has approved the building and issued a permit.

VII. Public Hearings and Notice

- A. Upon filing of an application for an amendment to the zoning ordinance the City Council shall call a public hearing on the said application.
- B. Written notice of such a hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is to be made.

VIII. Action and Authority of the City Council

A. The board may do the following:

- i. *Hear and decide* a variance that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
- ii. *Take a majority vote* to establish what rules and regulations business must obey, and what is proper and right for the well-being of the City.

B. The City Council finds that a business that does not hold the best interest of the City to be a disgrace. Any business or home that carries on such behavior will be asked to fix the ordinance violation or to vacate the City of Caney City.

C. Written notice shall be given to the owner of the building in question. The owner will have fourteen (14) days after receiving written notice to correct the violation.

D. If the owner fails to remedy an ordinance violation within the time prescribed in VIII (C), the issue shall be placed on the agenda for the next regularly scheduled City Council meeting. The owner in question may be made to close their operation should there be a majority vote of the City Council to that effect.

IX. The zoning ordinances enumerated I through VIII, shall not affect or bind any residence or business constructed or operated before 9 Dec. 99. The zoning ordinances enumerated I through VIII shall only apply to residences or businesses seeking construction or operation from 9 Dec. 99.

APPROVED AND PASSED on this the 9th day of Dec. '99


City Secretary


Mayor of Caney City