

ARTICLE 3.0 ZONING CLASSIFICATIONS

- A. Required:** The City of Hackberry is hereby defining districts. The use heights and regulations are uniform within each District.

R-1-1000 Residential District
R-2A-1250 Residential District
R-2-1250-MH Residential District
R-3-1400 Residential District
GB-1-1800 General Business District
LC-1-2000 Light Commercial District
HC-2-2000 Heavy Commercial District
LI-1-3000 Light Industrial District
HI-1-4000 Heavy Industrial District

B. Maps:

- (1) **Zoning Map** – Each area of land in the City of Hackberry zoned under this Ordinance or any preexisting ordinance shall be shown on the zoning map of the City of Hackberry, Texas.
- (2) **Planning Map** – City of Hackberry, as a portion of the Comprehensive Plan established for planning growth and development within the City, attached hereto is a planning map, indicating future land use and zoning within the City.

C. Regulations Applicable to all Areas of the City:

- (1) All consideration possible will be given to the preservation of the natural environment. Placement of dwellings and other improvements will be planned with a minimum number of trees to be removed.

(2) **Area Regulations:**

(a) **Required front, side and rear yards:**

- (i) Required front, side and rear yards must be open and unobstructed, except for fences, except as otherwise provided in this section.
- (ii) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this Ordinance, the building line established by ordinance determines the minimum required front, side or rear yard.
- (iii) No covered porch, covered terrace or accessory building shall project into the required front, side or rear yard space.
- (iv) A fireplace chimney may project up to two feet (2') into the required front, side or rear yard space if its area of projection does not exceed twelve square feet (12').
- (v) Roof eaves may project up to three feet (3') into the required front, side or rear space.
- (vi) Sills, belt courses, cornices and other architectural features may project up to twelve inches (12") into the required front, side or rear yard.
- (vii) No fence shall be constructed in the front yard, and no fence higher than six feet (6') shall be constructed in the side and rear yards. Fence materials not acceptable include, but not limited to, sheet plastic, tin, corrugated metal, sheet metal, and sheet iron. A fence constructed of a material other than new rod-iron, new chain-

link, new cedar planks, and/or new wood must be approved by the City Council. A fence shall not be used to display graffiti, signs and/or ornaments/decorations which become unsightly and/or diminishes the area's property value.

(2.1)

- (2) **Side Yard:** For the purpose of side yard regulations, two or more detached one and two-family dwellings shall be considered as one building when occupying one lot; provided, however, there shall be a minimum of ten feet (10') between the sides of the buildings on the same lot.
 - (i) On corner lots, there shall be a side yard of not less than fifteen feet (15'), or the minimum side yard required by the district in which the lot is located, whichever is greater, on the street side of the lot. In the case of side street or reversed frontage (where corner lot faces an intersecting street), there shall be a side yard on the street side equal to the front yard on the lots in the rear.
 - (ii) No accessory building on said corner shall project beyond the front yard line of the lots in the rear.
 - (iii) Carports are allowed on one side yard with no imposed set back requirement on the side yard. Carports shall not extend beyond the building line.
- (3) **Rear Yard:** In computing the required depth of a rear yard for any building where such yard abuts an alley, the depth of lot may be considered to the center of the alley and the required depth of rear yard measured from the center of such alley.
 - (i) Storage buildings not in excess of 150 square feet, and with a roof not more than eight feet (8') at its highest point, are allowed in the rear yard on or near the property line. The storage building shall not obstruct any easement, right-of-way, or drainage.
- (4) **Height Limit:** no structure shall exceed the height of thirty five feet (35') or two and one-half (2 ½) stories; measured from the average grade at the front property line, provided, however, that structures may be increased in height by not more than ten feet (10') when the front, side and rear yards are each increased an additional foot for each foot such structure exceeds thirty five feet (35').
 - (i) **Height of Miscellaneous Structures:** Chimneys, water towers, penthouses, monuments, cupolas, domes, spires, stand-pipes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected as to their heights in accordance with existing or hereinafter adopted ordinances of the City of Hackberry, Texas.
 - (ii) **Basis of Height Measurements:** On through lots of one hundred twenty five feet (125') in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred twenty five feet (125') in depth, the height regulation and basis of height measurement for street permitting the greater height shall apply to a depth of not more than one hundred twenty five feet (125') from the street.

- (5) **Lot Area:** On any lot held under separate district ownership from adjoining lots at the time of passage of this Ordinance, such separately owned property being of record at the time, a single-family dwelling may be erected even though the lot area is less than required by the regulations relating to lot area; provided, however, that in any event the combined area of the dwelling and accessory building shall not cover more than forty percent (40%) of the total area of the lot.
- (6) **Drainage:** Lots with problem drainage, or any construction which diverts or alters natural drainage, must have planned changes reviewed and approved by the City Council.
- (7) **Manufactured Houses, Mobile Homes, Travel Trailers and Construction Trailers:** No manufactured house, mobile home, travel trailer, construction trailer, or similar structure shall be moved into the City of Hackberry and used as a dwelling or otherwise unless:
- (i) A variance is applied for and approved by the City Council; or
 - (ii) It is a HUD-Code manufactured house or mobile home to be located in an existing mobile home park.
 - (iii) A moving permit has been obtained from the City Secretary. A moving permit is required for each portion/section of the home requiring separate transport into (i.e.: a double wide is normally transported in two separate portions/sections).
 - (iv) All mobile/manufactured homes shall be skirted within sixty (60) days.
 - (v) All mobile/manufactured homes shall not have a tin/metal exterior.
 - (vi) All mobile/manufactured homes shall not be older than five (5) years.
 - (vii) All mobile/manufactured homes shall be double-wide in structure and size.
 - (viii) No motor vehicles, tractors, trailers, boats, recreational vehicles, or motor homes shall be occupied for more than seven (7) consecutive days, shall not be occupied as a residence.
- (8) **Open Storage:**
- (i) A person shall not place, store or maintain outside, for a continuous period in excess of twenty-four (24) hours, an item which is not:
 - (a) Customarily used or stored outside; and/or
 - (b) Made of a material that is resistant to damage or deterioration from exposure to the outside environment.
 - (ii) Open storage shall not be permitted in the front yard, in a carport that is visible from the street, or on an unenclosed front porch of any residential dwelling. For the purpose of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.
 - (iii) Open storage shall not exceed one percent of the lot area of any residential lot.
 - (iv) Open storage, with the exception of one general-purpose trailer or one horse or stock trailer or one boat trailer, shall be fully screened from adjacent properties, streets and alleys by a six foot (6') high solid wood screening fence or by vegetation, at least six feet (6') in height, that is sufficiently dense so as to completely screen the storage area. Items being stored must not be stacked higher than five feet (5')

- (v) The area of the lot occupied by open storage shall be calculated by measuring the area of the smallest rectangle necessary to encompass all the materials involved within the open storage. The area occupied by an operable motor vehicle or recreational vehicle shall be excluded when calculating the area occupied by the open storage.
 - (vi) There shall be no dumping of rubbish. Trash, garbage or other waste shall be kept in sanitary containers only; all other equipment for the storage or other disposal of such material shall be kept in a clean and sanitary condition.
- (9) **Parking:** There shall be provided, in connection with every use permitted, off street parking spaces in accordance with the provisions of Article 4.3. All buildings shall be provided with a yard adequate to meet the off-street parking requirements. No on street parking is allowed in the City of Hackberry. Illegally parked vehicles may be towed and impounded at the owner's expense.
- (10) **Sewage Requirements:** Connection with the sanitary sewer system is required. No new septic tanks/systems are allowed within the City of Hackberry where City sanitary sewer service is available. Unless served by the City of Hackberry sewer system, each residence and each dwelling unit in the case of multiple housing, shall be provided with and connected to a property constructed and adequate septic system, which meets all rules and recommendations of the Department of Public Health of the State of Texas as authorized by the Texas Health and Safety Code, Chapter 366, and the same shall meet or exceed the minimum requirements of the Federal Housing Administration, and the Texas Commission on Environmental Quality (TCEQ). A Lot area requirement for a septic system is one (1) acre.
- (11) **Signs:** Sign regulations in Article 4.3 shall be applicable.
- (12) **Streets:** Streets shall comply with subdivision regulations of the City. The property, the subdivision regulations or, if not otherwise stated, shall be a sixty foot (60') right-of-way with a twenty-eight foot (28') concrete road construction to City specification.
- (13) **Type of Materials:**
- (i) Exterior wall construction for structures shall consist of a minimum of fifty percent (50%) masonry with no single wall face of any containing less than fifty percent (50%) of its exposed surface of standard masonry construction, excluding windows and doors, as defined in Article 1.1.
 - (ii) Airplane hangers built on residential lots shall be built using colors to coordinate with the main structure and with the lower 1/3 of each wall excluding doorways, to be masonry.
 - (iii) Agricultural buildings, carports, and accessory structures, larger than one hundred square feet (100 sq. ft.), shall be built with materials architecturally compatible with the main structure.

(14) Vehicles:

- (i) No motor vehicles, tractors, trailers, boats, recreational vehicles, or motor homes shall be parked on the street or street easement overnight.
- (ii) Inoperable vehicles or those with expired registration and/or licenses shall not be parked on the street or street easement at any time.
- (iii) Automobiles without current license and inspection stickers may be classed as inoperative vehicles and shall be parked in a building, or enclosed area not visible from outside the property on which it is located, or moved from the City.
- (iv) Vehicles with a carrying capacity over two (2) tons shall not park said vehicle in a residential area within the city limits, excluding but not limited to, police, ambulance, fire, EMS, and emergency wreckers. Further, wreckers registered with the City as an emergency vehicle shall not be allowed to park within a residential area with a load.
- (v) No vehicle used to transport inflammatory explosive or noxious cargo may be kept in any area of the City at any time.
- (vi) No motor vehicles, trailers, boats, recreational vehicles, or motor homes shall be occupied as a residence.
- (vii) Not more than one non-commercial camping, travel trailer, or recreational vehicle per family living on the same premises shall be permitted. Said vehicles shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping, travel trailer, or recreational vehicle shall not be permanently occupied while it is parked or stored within the incorporated limits except in a trailer court authorized under the ordinances of the City.

(15) Visibility Clearance areas must be maintained on all corner lots.

(16) Swimming Pools shall be located in the rear yard only, and shall meet all regulations pertaining to lot area, width, depth, and lot coverage. Installation of a swimming pool shall meet all local, state and federal regulations. (See the “Swimming Pool Safety Act”, 515.27-Residential swimming pool safety feature options; penalties, and 515.29-Residential swimming pool barrier requirements” for the state of Texas.