

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS**

**ORDINANCE NO. 116**

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE 110 BY AMENDING THE REGULATIONS APPLICABLE TO ACCESSORY BUILDINGS AND EXCEPTION REQUIREMENTS IN ALL RESIDENTIAL DISTRICTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Lowry Crossing, Texas, in compliance with the laws of the State of Texas, with reference to amending the Comprehensive Zoning Ordinance of the City of Lowry Crossing, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected areas and in the vicinity thereof, the said Governing Body is of the opinion that the Comprehensive Zoning Ordinance No. 110, should be amended in the exercise of its legislative discretion.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by amending Section 9, the "RE" Single-Family Residential Estate District, Subsections 9-5, 9-6, 9-7, and adding a new 9-8, to read as follows:

9-5 ACCESSORY BUILDINGS (Detached):

(1) MINOR Accessory Building:

Type: Storage type for tools, lawn care equipment, water well house, etc., and stable or loafing shed type for animals. (Ord. 116)

Maximum Size: Storage type: 600 square feet.  
Loafing Shed: 200 square feet.  
Stable: 400 square feet. (Ord. 116)

Maximum Number: Storage type: one.  
Stable or Loafing shed: one. (Ord. 116)

Maximum Height: One story. (Ord. 116)

Location: Located behind the rear line of the residential building. (Ord. 116)

Side Yard: Storage type: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 116)  
Stable or Loafing shed: Not permitted in side yard. (Ord. 116)

Rear Yard: Storage type: Setback of at least 20 feet from the property line. (Ord. 116)  
Stable or Loafing shed: Located at least 20 feet from any property line of an adjacent owner, at least 40 feet from any dwelling on any adjacent property, and at least 40 feet from any road. (Ord. 116)

Exterior Construction: The buildings construction materials must complement that of the residential building. (Ord. 116)

(2) MAJOR Accessory Building:

Type: Shop or recreation building, swimming pool cabana, enclosed space for additional private vehicle parking (detached garage) or carport or boat storage. (Ord. 116)

Maximum Size: The total square footage of all buildings shall not exceed ten percent (10%) of the total square footage of the property. In determining the square footage, a building's "footprint" is used (rather than the square footage of living space, for example, of a house.) Easements, setbacks, and other zoning or other constraints shall also be considered and may affect the net usable land available. Any Major Accessory building in excess of 10,000 square feet shall require a grant of an Exception from the Board of Adjustment. (Ord. 116)

Maximum Number: Two on any lot up to 5 acres in size, and three on any lot 5 acres or more in size. (Ord. 116)

Maximum Height: Sidewalls not to exceed 14 feet (Ord. 116)

Location: Located behind the rear line of residential building. (Ord. 116)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 116)

Rear Yard Setback of at least 20 feet from the property line. (Ord. 116)

Exterior Construction:

The architecture and construction of the buildings must complement that of the residential building. Metal building, including prefabricated buildings, with baked on type finish or painted and trimmed to complement the residential building are permitted, however, the use of the old type wavy corrugated metal panels will not meet the requirement of construction that complements any residential construction. (Ord. 116)

(3) EXCEPTION:

The Board of Adjustment may grant an Exception to the maximum size, maximum number, type of construction or other regulation in regard to permitted accessory buildings where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 9-6. Driveways For Large Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 9-7. Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 9-8. Driveways to Major Accessory Buildings: Driveways to major accessory buildings may be constructed of traffic grade material other than concrete, and shall be maintained and contained. The first twenty-five (25) feet of such drive shall be concrete should it connect with a public roadway. (Ord. 116)

**SECTION 2.** That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by amending Section 10, the "R-1" Single-Family Residential District, Subsections 10-5, 10-6, 10-7, and adding a new 10-8, to read as follows:

10-5 ACCESSORY BUILDINGS (Detached):

(1) MINOR Accessory Building:

Type: Storage type for tools, lawn care equipment, water well house, etc., and stable or loafing shed type for animals. (Ord. 116)

Maximum Size: Storage type: 300 square feet.  
Loafing Shed: 100 square feet.  
Stable: 200 square feet. (Ord. 116)

Maximum Number: Storage type: one.  
Stable or Loafing shed: one. (Ord. 116)

Maximum Height: One story. (Ord. 116)

Location: Located behind the rear line of the residential building. (Ord. 116)

Side Yard: Storage type: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 116)

Stable or  
Loafing shed: Not permitted in side yard. (Ord. 116)

Rear Yard: Storage type: Setback of at least 20 feet from the property line.

Stable or  
Loafing shed: Located at least 20 feet from any property line of an adjacent owner, at least 40 feet from any dwelling on any adjacent property, and at least 40 feet from any road. (Ord. 116)

Exterior Construction: The buildings construction materials must complement that of the residential building. (Ord. 116)

(2) MAJOR Accessory Building:

Type: Shop or recreation building, swimming pool cabana, enclosed space for additional private vehicle parking (detached garage) or carport or boat storage. (Ord. 116)

Maximum Size: The total square footage of all buildings shall not exceed ten percent (10%) of the total square footage of the property. In determining the square footage, a building's "footprint" is used (rather than the square footage of living space, for example, of a house.) Easements, setbacks, and other zoning or other constraints shall also be considered and may affect the net usable land available. Any Major Accessory building in excess of 10,000 square feet shall require a grant of an Exception from the Board of Adjustment. (Ord. 116)

Maximum Number: Two (2). (Ord. 116)

Maximum Height: Sidewalls shall not exceed 14 feet. (Ord. 116)

Location: Located behind the rear line of residential building. (Ord. 116)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 116)

Rear Yard Setback of at least 20 feet from the property line. (Ord. 116)

Exterior Construction:

The architecture and construction of the buildings must complement that of the residential building. Metal building, including prefabricated buildings, with baked on type finish or painted and trimmed to complement the residential building are permitted, however, the use of the old type wavy corrugated metal panels will not meet the requirement of construction that complements any residential construction.

(3) EXCEPTION:

The Board of Adjustment may grant an Exception to the maximum size, maximum number, type of construction or other regulation in regard to permitted accessory buildings where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 10-6. Driveways For Large Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract.. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 10-7. Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract.. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 10-8. Driveways to Major Accessory Buildings: Driveways to major accessory buildings may be constructed of traffic grade material other than concrete, and shall be maintained and contained. The first twenty-five (25) feet of such drive shall be concrete should it connect with a public roadway. (Ord. 116)

**SECTION 3.** That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by amending Section 11, the "2F" Two-Family Residential District, Subsections 11-5, 11-6, and 11-7, to read as follows:

11-5 ACCESSORY BUILDINGS (Detached):

(1) MINOR Accessory Building:

- Type: Storage type for tools, lawn care equipment, water well house, etc., and stable or loafing shed type for animals. (Ord. 116)
- Maximum Size: Storage type: 300 square feet. (Ord. 116)
- Maximum Number: Storage type: one. (Ord. 116)
- Maximum Height: One story. (Ord. 116)
- Location: Located behind the rear line of the residential building. (Ord. 116)
- Side Yard: Storage type: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 116)
- Rear Yard: Storage type: Setback of at least 20 feet from the property line. (Ord. 116)
- Exterior Construction: The buildings construction materials must complement that of the residential building. (Ord. 116)

(2) MAJOR Accessory Building:

Type: Shop or recreation building, swimming pool cabana, enclosed space for additional private vehicle parking (detached garage) or carport or boat storage. (Ord. 116)

Maximum Size: The total square footage of all buildings shall not exceed ten percent (10%) of the total square footage of the property. In determining the square footage, a building's "footprint" is used (rather than the square footage of living space, for example, of a house.) Easements, setbacks, and other zoning or other constraints shall also be considered and may affect the net usable land available. Any Major Accessory building in excess of 10,000 square feet shall require a grant of an Exception from the Board of Adjustment. (Ord. 116)

Maximum Number: One (1) each unit. (Ord. 116)

Maximum Height: Sidewalls shall not exceed 14 feet. (Ord. 116)

Location: Located behind the rear line of residential building. (Ord. 116)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 116)

Rear Yard Setback of at least 20 feet from the property line. (Ord. 116)

Type of Exterior Construction:

The architecture and construction of the buildings must complement that of the residential building. Metal building, including prefabricated buildings, with baked on type finish or painted and trimmed to complement the residential building are permitted, however, the use of the old type wavy corrugated metal panels will not meet the requirement of construction that complements any residential construction.

(3) EXCEPTION:

The Board of Adjustment may grant an Exception to the maximum size, maximum number, type of construction or other regulation in regard to

permitted accessory buildings where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 11-6. Driveways For Large Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract.. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 11-7. Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract.. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- 11-8. Driveways to Major Accessory Buildings: Driveways to major accessory buildings may be constructed of traffic grade material other than concrete, and shall be maintained and contained. The first twenty-five (25) feet of such drive shall be concrete should it connect with a public roadway. (Ord. 116)

**SECTION 4.** That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by amending Section 8, the "A" Agricultural District, Subsections 8-4 (5) and 8-4(6), and adding a new Subsection 8-7, to read as follows:

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- "(5) Driveways For Large Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract.. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

- (6) Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract or located on an easement that is exclusive to the owner of the tract.. (Ord. 116)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 116)

8-7. Driveways to Accessory Buildings: Driveways to accessory buildings may be constructed of traffic grade material other than concrete, and shall be maintained and contained. The first twenty-five (25) feet of such drive shall be concrete should it connect with a public roadway. (Ord. 116)

**SECTION 5.** That all provisions of the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 6.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 7.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 8.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lowry Crossing, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 9.** That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Lowry Crossing, Texas, this the 11<sup>th</sup> day of July, 2000.

APPROVED:

  
TOM DILLARD, MAYOR

ATTEST:

  
PATRICIA FRANCCEN, CITY SECRETARY

APPROVED AS TO FORM:

  
LAWRENCE W. JACKSON, CITY ATTORNEY