



## AGENDA

### PLANNING & ZONING COMMISSION

#### REGULAR MEETING

MONDAY, NOVEMBER 16, 2020, 6:30 P.M.

**In accordance with social distancing guidelines, the meeting will not be open to the public. Commission members, the applicants, and City staff will attend by phone or internet. The meeting will be streamed live for attendance of the public. To access please do the following:**

1. Go to [www.youtube.com](http://www.youtube.com)
2. Type in the words "City of Elgin, TX" into the top search feature
3. Then click on the dark blue icon that says "Elgin Texas Perfectly Situated"
4. Then look for the "City of Elgin, Texas Planning & Zoning Commission Meeting 11/16/20"
5. Then click on it for a live broadcast.

**There will be an opportunity for the public to submit written comments prior to the meeting on agenda items. These comments must be submitted by emailing the Development Services Director at [dharrell@ci.elgin.tx.us](mailto:dharrell@ci.elgin.tx.us) or by calling 512-229-3254 by 5:00 P.M. on November 16, 2020 and leaving a message. These will be read in full at the meeting during the agenda item.**

1. CALL TO ORDER
2. NEW BUSINESS

- 2.I. An Ordinance Amending Chapter 46 Zoning, Article I In General; Chapter 46 Zoning, Article IV Zoning District Regulations, Division 2 – R-1 Single Family Dwelling District; Chapter 46 Zoning, Article IV Zoning District Regulations, Division 3 – R-2 Single Family Dwelling And Duplex Dwelling District; Chapter 46 Zoning, Article IV Zoning District Regulations, Division 4 – R-3 Single Family Dwelling District; Chapter 46 Zoning, Article V Supplementary District Regulations Division 2 – Open Space; And Chapter 46 Zoning, Article V Supplementary District Regulations, Division 5 – Off Street Automobile And Vehicular Parking And Loading; And Repealing Conflicting Ordinances Or Resolutions.
  - A. Staff Presentation
  - B. Open Public Hearing
  - C. Close Public Hearing
  - D. Discussion
  - E. Recommendation

Documents:

[COMBINED PACKET.PDF](#)

### 3. ANNOUNCEMENTS

### 4. ADJOURNMENT

The Commission may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code. The Commission will return to an open session for possible discussion and action as a result of the Executive Session.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide a forty-eight (48) hour notice when feasible.

Para informacion en espanol favor de llamar (512) 281-0119. Servicios de traduccion disponible en la reunion.



# Development Services Department

## STAFF REPORT

**An Ordinance amending Chapter 46 Zoning, Article I In General; Chapter 46 Zoning, Article IV Zoning District Regulations, Division 2 – R-1 Single Family Dwelling District; Chapter 46 Zoning, Article IV Zoning District Regulations, Division 3 – R-2 Single Family Dwelling and Duplex Dwelling District; Chapter 46 Zoning, Article IV Zoning District Regulations, Division 4 – R-3 Single Family Dwelling District; Chapter 46 Zoning, Article V Supplementary District Regulations Division 2 – Open Space; and Chapter 46 Zoning, Article V Supplementary District Regulations, Division 5 – Off Street Automobile and Vehicular Parking and Loading; and repealing conflicting ordinances or resolutions.**

**Date:** November 11, 2020

**Hearing Dates:** Planning & Zoning Commission –November 16, 2020  
City Council – December 1, 2020

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### REQUEST SUMMARY & STAFF ANALYSIS

City staff is requesting modifications to the Zoning Code to allow for the following:

1. Addition of the following definitions: Earth Tone Colors; Impervious Cover; Private School, Primary; Private School – Secondary; Public School – Elementary or Middle; Public School – High School; Post-Secondary Institution.
2. Removal of fencing standards within the zoning code which conflict with other provisions of fencing standards which comes later in the zoning code.
3. Changes and modifies names of items for correction and clarity purposes such as “intensity of use” to “lot area” and “impervious coverage. This better describes the actual code provisions.
4. Makes fencing required along a residential land use or residential lot. This is better terminology as it is sometimes unknown if a lot is a residential lot. It is sometimes easier to determine a land use on a lot.
5. Loosens regulations by removing mandatory fencing requirements on lots 100 feet or more in width OR lots a half-acre or larger in size. The purpose of the fencing is to ensure privacy, however on larger lots this is less necessary because of the building spacing and size of the lot. With this change an owner of a larger lot can still voluntarily place a fence, its just no longer required by the City.
6. Establishes minimum placement locations for required fencing based on rear building elevation versus it being technically unclear.

7. Removes mandatory masonry requirement due to State law changes. State law was changed last year to allow all materials under the Building Code versus allowing local government to restrict to certain materials under the Building Code such as a percentage of masonry.
8. Addition of fence beautification standards to address aesthetics. Many of the required fences that are installed are wood fences. Most of these fences are untreated which allows them to deteriorate over a period of several years. Fences located in new developed residential areas along Lee Dildy Rd. are an example of this issue. The Code changes will require fencing to be painted (excluding metal posts) or be made of materials that are earth tone colors. This will help to protect and make deterioration less visible. Also, fencing is being constructed with the posts facing outward which is the unattractive portions of the fence. This change will make the attractive portion visible to the outside.
9. Addition of Duplex as a permitted use under R-2 zoning. Staff believes this originally was left out since the name of the zoning category references the word "Duplex".
10. Removal of the requirement of a two-car garage from the minimum parking standards. This is required even if the minimum two parking spaces have been met on the site.
11. Addition of minimum parking standards for schools. Currently there are no standards for schools and under the current code the PZC must determine the parking standards. This adds minimum standards, so it is clear and is like other cities within the Austin metro area.

#### **ATTACHMENT**

Additional information is provided through attached exhibit.

1. Proposed Ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 46 ZONING, ARTICLE I IN GENERAL; CHAPTER 46 ZONING, ARTICLE IV ZONING DISTRICT REGULATIONS, DIVISION 2 – R-1 SINGLE FAMILY DWELLING DISTRICT; CHAPTER 46 ZONING, ARTICLE IV ZONING DISTRICT REGULATIONS, DIVISION 3 – R-2 SINGLE FAMILY DWELLING AND DUPLEX DWELLING DISTRICT; CHAPTER 46 ZONING, ARTICLE IV ZONING DISTRICT REGULATIONS, DIVISION 4 – R-3 SINGLE FAMILY DWELLING DISTRICT; CHAPTER 46 ZONING, ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2 – OPEN SPACE; AND CHAPTER 46 ZONING, ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. – OFF STREET AUTOMOBILE AND VEHICULAR PARKING AND LOADING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 46 Zoning, Article I In General, Code of Ordinances, City of Elgin, Texas, is hereby amended by adding new definitions to Section 46-1 - Definitions et. seq., which shall read as follows:

Duplex See definition of Dwelling, two-family

Earth Tone Colors are subdued colors that are commonly observed in nature such as sea, sky, vegetation, and land. Any subdued tint or shade commonly found in nature including browns, greens, reds, blues, yellows, oranges, greys, and whites. This shall not include the following:

- (1) Colors not described in this definition.
- (2) Any non-subdued colors from this definition which include but are not limited to neon or overly bright colors as determined by the City.

Impervious Cover means roads, driveways, decking, patios, sidewalks, parking areas, buildings, mechanical equipment, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface.

Private school, primary A private, parochial or charter school offering instruction at the elementary and middle (junior high) level in the branches of learning and study required to be taught in the public schools of the state.

Private school, secondary A private, parochial or charter school offering instruction at the high school level in the branches of learning and study required to be taught in the public schools of the state.

Public school, elementary or middle A public school offering instruction at the elementary or middle school level in the branches of learning and study required to be taught in the public schools of the state.

Public school, high A public school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools of the state.

Post-secondary institution A public or private educational institution or other institutions of higher learning that offer courses of general or specialized study leading to a degree. This definition includes community college, college, university, vocational, technical or trade schools, language school, art school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. This phrase does not include fitness centers, sports instruction, swimming instruction, or martial arts instruction.

## II.

That Chapter 46 Zoning, Article IV Zoning District Regulations, Division 2 – R-1 Single Family Dwelling District, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 46-231 – Uses permitted and Section 46-233 – Area regulations; et. seq., which shall read as follows:

### Sec. 46-231. - Uses permitted.

Property and buildings in an R-1 Single-Family Dwelling District shall be used only for the following purposes:

- (1) Detached single-family dwelling.
- (2) Churches, but not including revival tents or arbors.
- (3) Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
- (4) Public park and playground.
- (5) Library.
- (6) Growing of farm products.
- (7) Municipal use.
- (8) Telephone exchanges.
- (9) Home occupations.
- (10) Transportation and utility easements, alleys and rights-of-way.
- (11) Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.
- (12) Uses customarily incidental to any of the uses set forth in subsection (a) of this section when located upon the same lot and not involving the conduct of a business.
- (13) Fence. A fence, hedge or enclosure wall provided:
  - a. No solid fence or enclosure shall exceed a height of six feet, ~~and no such six foot fence or enclosure shall extend closer to any front street than 40 feet;~~
  - b. An ornamental fence may exceed six feet in height but shall have a ratio of solid portion to open portion not in excess of one to four and shall not extend closer to any front street than 40 feet;
  - c. ~~Any fence or enclosure extending closer than 40 feet to the front property line shall not exceed a height of four feet; and Reserved.~~
  - d. Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two property lines, shall ~~not exceed a height of three feet~~ be prohibited.

All wooden privacy fences shall have metal posts of sufficient gauge and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden privacy fence posts will not be allowed for construction after July 31, 2011.
- (14) A temporary bulletin board or sign, not exceeding 12 square feet in area appertaining to the lease, hire or sales of a single building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.
- (15) A church bulletin board or sign not exceeding 50 square feet in area, located on the same lot with the church building.

- (16) One unlighted sign not to exceed one square foot in area and attached flat-wise to the building, such sign to advertise only an accessory use allowed by this section and being conducted on the same property upon which such sign is located.
- (17) Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed.
- (18) Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

Sec. 46-233. - Area regulations.

The area regulations in the R-1 Single-Family Dwelling District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 25 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, then no building shall be erected closer to the building line than the minimum setback so established by the existing building; but this regulation shall not require a front yard of greater depth than 40 feet. When a yard has double frontage, the front yard requirements shall be complied with on both streets.
- (2) *Side yard.* For dwelling located on interior lots there shall be a side yard on each side of the main building of not less than 7½ feet for dwellings of one story, and of not less than ten feet for dwellings or more than one story except as hereinafter provided in this subsection. For unattached buildings of accessory use there shall be a side yard of not less than five feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three feet from an interior side line when all parts of the accessory building are located more than 90 feet behind the front lot lines. For dwelling and accessory buildings located on corner lots there shall be a side yard from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot, and 25 feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot. Churches and main accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 25 feet.
- (3) *Rear yard.* There shall be a rear yard for a main building of not less than ten feet. Unattached buildings of accessory use are located in the rear yard of a main building.
- (4) *Lot width.* For dwellings there shall be a minimum lot width of 75 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.
- (5) ~~*Intensity of use*~~ *Lot area.* For each dwelling, and building accessory thereto, there shall be lot area of not less than 9,000 square feet. For churches and main and accessory buildings, other than dwellings and accessory to buildings, the lot area shall be adequate to provide the yard areas required by this subsection and the off-street parking areas required; provided, however, that the lot area for a church shall not be less than 21,000 square feet.
- (6) ~~*Impervious*~~ *Coverage.* Main and accessory buildings and other impervious cover shall not cover more than 45 percent of lot area on interior lots, and 50 percent of the lot area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.
- (7) *Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or

more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have metal post of sufficient gauge and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden fence post will not be allowed after July 31, 2011.

- (8) ~~*Front exterior walls.* There shall be a minimum of 75 percent brick, stone or stucco construction on all front exterior walls.~~ *Fence beautification.* All newly installed fencing shall be required to be painted or prefabricated as earth tone colors, excluding metal posts. Fences shall be constructed with the attractive portions facing outwards from the property.
- (9) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

### III.

That Chapter 46 Zoning, Article IV Zoning District Regulations, Division 3 R-2 Single Family and Duplex Dwelling District, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 46-263 – Uses permitted and Section 46-265 – Area regulations; et. seq., which shall read as follows:

Sec. 46-263. – Uses permitted.

The following uses are permitted in the R-2 Single-Family and Duplex Dwelling District:

- (1) Any use permitted in an R-1 residential district.
- (2) Garage apartments.
- (3) Duplex.

Sec. 46-265. - Area regulations.

The area regulations in the R-2 Single-Family and Duplex Dwelling District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 25 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more six feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 40 feet. When a yard has double frontage the front yard requirements shall be complied with on both streets.
- (2) *Side yard.*
  - a. For dwellings located on interior lots there shall be a side yard on each of the main building of not less than five feet for dwellings of one story, and of not less than ten feet for dwellings of more than one story, except as hereafter as provided in article V, division 2 of this chapter.
  - b. For unattached buildings of accessory use there shall be a side yard of not less five feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory building are located more than 90 feet behind the lot lines.
  - c. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back with

another corner lot, and 25 feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

- d. Churches, main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 25 feet.
- (3) *Rear yard.* There shall be a rear yard for a main building of not less than ten feet. Unattached buildings of accessory use may be located in the rear yard of a main building.
- (4) *Lot width.* For dwellings there shall be a minimum lot width of 60 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.
- (5) ~~*Intensity of use*~~ *Lot area.*
  - a. For each dwelling, and building accessory thereto, there shall be a lot area of not less than 7,500 square feet.
  - b. For churches and main and accessory buildings, other than dwelling and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this subsection and the off-street parking areas that the lot area for a church shall not be less than 21,000 square feet.
- (6) ~~*Impervious Coverage.*~~ Main and accessory buildings shall not cover more than 45 percent of the lot area on interior lots, and 50 percent of the area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.
- (7) *Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have metal post of sufficient gauge and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden fence post will not be allowed after July 31, 2011.
- (8) ~~*Front exterior walls. There shall be a minimum of 75 percent brick, stone or stucco construction on all front exterior walls. Fence beautification. All newly installed fencing shall be required to be painted or prefabricated as earth tone colors, excluding metal posts. Fences shall be constructed with the attractive portions facing outwards from the property.*~~
- (9) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

#### IV.

That Chapter 46 Zoning, Article IV Zoning District Regulations, Division 4 R-3 Single Family Dwelling District, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 46-303 – Area regulations and Section 46-304 - Zero lot line two-family dwellings; et. seq., which shall read as follows:

Sec. 46-303. - Area regulations.

The following are the area regulations in R-3 Single-Family Dwelling District:

- (1) *Front yard.* The minimum depth of the front yard shall be 15 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 15 feet, and no building varies

more than six feet from this average setback line, then no building shall be erected closer to the street line, than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 25 feet. When a yard has double frontage the front yard requirements shall be complied with on both streets.

(2) *Side yard.*

- a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five feet for dwellings of one story, and not less than 7½ feet for dwellings of more than one story, except as hereinafter provided in article V, division 2 of this chapter.
- b. For unattached buildings of accessory use there shall be a side yard of not less than five feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory building are located more than 50 feet behind the front line.
- c. For dwelling and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less ten feet in case such lot is back to back with another lot, and 15 feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
- d. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lines a distance of not less than 15 feet.

(3) *Rear yard.* There shall be a rear yard for a main building of not less than ten feet. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) *Lot width.* For dwellings there shall be a minimum lot width of 50 feet at the building line, and such lot shall abut on a street for a distance of not less than 25 feet.

(5) ~~*Intensity of use*~~ *Lot area.*

- a. For each dwelling, and building accessory thereto, there shall be lot area of not less than 6,000 square feet.
- b. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required in this subsection; provided, however, that the lot area for a church shall not be less than 10,000 square feet.

(6) ~~*Impervious*~~ *Coverage.* Main and accessory buildings shall not cover more than 45 percent of the lot area on interior lots, and 50 percent of the area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.

(7) *Fencing.* Permanent six-foot fences shall be erected along all ~~rear and side~~ property ~~lot~~ lines which abut another residential lot ~~or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line.~~ All wooden fences shall have metal post of sufficient gauge and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden fence post will not be allowed after July 31, 2011.

(8) ~~*Front exterior walls.* There shall be a minimum of 75 percent brick, stone or stucco construction on all front exterior walls. Fence beautification. All newly installed fencing shall be required to be painted or prefabricated as earth tone colors, excluding metal posts. Fences shall be constructed with the attractive portions facing outwards from the property.~~

- (9) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

Sec. 46-304. - Zero lot line two-family dwellings.

- (a) *Subdivision for separate title.* A two-family dwelling may be subdivided through the common wall for the sole purpose of creating a separate fee simple title for each dwelling unit provided that the parcel containing each dwelling unit shall not be less than 3,000 square feet and provided each parcel had access to a public street and meets all applicable ordinances.
- (b) *Minimum criteria for development.* The following items are established as minimum criteria for development within the zero lot line two-family dwellings:
- (1) Front yards shall have a minimum of 60 percent landscaped area.
- (2) Front yards and side street yards shall be sodded and landscaped prior to an issuance of a certificate of occupancy.
- (c) *Privacy Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have metal post of sufficient gauge and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden fence post will not be allowed after July 31, 2011.
- (d) *Impervious ~~C~~overage.* Main and accessory buildings shall not cover more than 45 percent of the lot area on interior lots, and 50 percent of the area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.

V.

That Chapter 46 Zoning, Article V Supplementary District Regulations, Division 2 Open Space, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 46-534. – Fence, hedge, or enclosure wall et. seq., which shall read as follows:

Sec. 46-534. - Fence, hedge or enclosure wall.

- (a) A fence, hedge or enclosure wall provided:
- (1) No solid fence or enclosure wall shall exceed a height of six feet and no such six-foot fence or enclosure shall extend beyond the front of a dwelling exclusive of porches. (See Illustration)
- (2) An ornamental fence may not exceed four feet in height but shall have a ratio of solid material to open space not in excess of one-to-four and shall be allowed to extend to the front property line;
- (3) Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two street lines shall not extend all the way to the corner of the property and shall not create any visual obstruction to traffic on a public street or highway. (See illustration of corner lot.)
- (4) A privacy fence shall be at least six feet in height on the sides of the dwelling and no more than seven feet in height at the rear property line.
- (b) All wooden privacy fences shall have metal post of sufficient gauge and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden privacy fence posts will not be allowed for construction after July 31, 2011.

- (c) Fences shall be maintained in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, and rust, loosening, or leaning.
- (d) Common fences between properties will be the responsibility of all owners to maintain.
- (e) All fences and enclosure walls along property lines shall be required to be painted or prefabricated as earth tone colors, excluding metal posts. Fences and enclosure walls along property lines shall be constructed with the attractive portions facing outwards from the property.

## VI.

That Chapter 46 Zoning, Article V Supplementary District Regulations, Division 5 Off-street automobile and vehicular parking and loading, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 46-635. - Amount of off-street parking and loading required, et. seq., which shall read as follows:

Sec. 46-635. - Amount of off-street parking and loading required.

- (a) Off-street parking and loading facilities shall be provided in all zoning districts, except within the downtown historic district, in accordance with the following schedule:
  - (1) Dwelling, single-family or two-family: Two parking spaces for each separate dwelling unit within the structure ~~and a two-car garage either attached or detached for each unit within the structure.~~
  - (2) Dwelling, multiple-family: Two parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four feet of any building, nor closer than two feet to the side yard lines. No parking space shall be used for storage of any trucks, truck-trailer or van, except panel and pickup trucks not exceeding one-ton capacity and boat and travel trailers may be parked in a required parking space when the operator or owner of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications. Travel trailers, recreational vehicles and other trailers as defined in this section shall not exceed eight feet in width or 40 feet in length. At no time shall any such vehicle, recreational vehicle, motor home or trailer be parked so as to block a sidewalk.
  - (3) Boardinghouse, roominghouse, tourist home, bed and breakfast or hotel: One parking space for each two guests provided overnight accommodations.
  - (4) Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles.
  - (5) Medical or dental clinics or offices: Six spaces per doctor plus one space for each two employees.
  - (6) Sanatoriums, convalescent or nursing homes: One space for each six patient beds, plus one space for each staff or visiting doctor plus one space for each two employees including nurses.
  - (7) Community center, theater, auditorium, church sanctuary: One parking space for each four seats, based on maximum seating capacity.
  - (8) Convention hall, lodge, club, library, museum, place of amusement or recreations: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
  - (9) Office building: One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.

- (10) Restaurants, cafes, dinners, clubs, bars and other establishments which provide tables and/or bar seating: One parking space for each four seats and one space for each two employees.
- (11) Commercial establishments not otherwise classified: One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
- (12) Industrial establishments: Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
- (13) Public elementary school and middle school (junior high): One space per 300 square feet of classrooms.
- (14) Private school, primary: One space per 300 square feet of classrooms.
- (15) Private school, secondary: One space per 200 square feet of classrooms.
- (16) Public high school: One space per 200 square feet of classrooms.
- (17) Post-secondary institution: One space for each 2 residents for dormitories or other residences; 1 space for each 500 square feet of gymnasium and classrooms; 1 space for each 300 square feet of administrative and office space.
- (b) For all uses not covered by the uses listed in subsection (a) of this section, the planning and zoning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
- (c) Zoning districts located within the downtown historic district shall not have any minimum parking requirements or loading zone requirements as denoted in subsection (a) or (b). Any off-street parking constructed voluntarily within the downtown historic district shall be limited to a maximum of six parking spaces, this standard shall not be applicable to any government or transit authority created off-street parking spaces. Creation of voluntary on-site loading zones shall also be prohibited within the downtown historic district, however this standard shall not be applicable to any government or transit authority created on-site loading zones.

## VII.

- A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.
- C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the Planning & Zoning Commission meeting at which this Ordinance was recommended was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.
- D. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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Ronald “Ron” Ramirez, Mayor  
City of Elgin, Texas

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Amelia Sanchez, City Secretary