

Chapter 30

APPENDIX A. ZONING*

An Ordinance for the purpose of promoting the health, safety, morals or the general welfare of the community by regulating and restricting the height and size of buildings and other structures, size of yards and other open spaces, the density of population, the location, erection, construction, reconstruction, alteration, repair and use of all buildings, structures and land for residence, trade, industry and all other purposes; providing for the amendment and change in such regulations, restrictions and boundaries of such districts or zones; defining certain terms; providing for a board of adjustment and method of procedure for appeals thereto; providing for procedure for all other purposes; and imposing penalties.

Be it ordained by the City Commission [Council] of the City of Ballinger, Texas.

Sec. 30-1. Title.

This ordinance shall be known and may be cited as the Zoning Ordinance of the City of Ballinger, Texas.

Sec. 30-2. 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 of Ballinger, Texas. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid [undue] concentration of population; 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, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Ballinger, Texas.

* **Editor's note** - Appendix A sets out the zoning ordinance of the city enacted on the seventh day of April, 1961, as the same was originally enacted and as the same has been amended by the city since such date. Due to the statutory requirements relative to the enactment and amendment of such an ordinance, incorporation thereof into a code of ordinances is not deemed advisable, hence its inclusion as an appendix hereto for the benefit and convenience of the users of this Code. The zoning map referred to in section 4 of this ordinance is not included in this appendix, but is on file in the office of the city secretary.

Charter reference - Department of planning and zoning, art. 13.

Cross references - Keeping regulations for animals and fowl, ch. 6; buildings, ch. 8; health and sanitation, ch. 14; mobile homes, ch. 16; planning and zoning, ch. 19; plumbing and gas, ch. 20; streets and sidewalks, ch. 23; utilities, ch. 27; subdivisions, App. B.

Sec. 30-3. Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," the word "lot" includes the word "plot," and the word "shall" is mandatory and not merely permissive or directory.

1. *Accessory building* and use: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

2. *Alley*: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

3.,. *Apartment*: A room or suite of rooms in a multiple dwelling, or in a building in which more than one living unit is established above or on the same floor as nonresidential uses, which room or suite is intended or designed for use as a residence by one family and which includes culinary accommodations.

4. *Building*: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

5. *Clinic*: An office or group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

6. *District*: A section or sections of the City of Ballinger, Texas, for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

7. *Dwelling*: Any building or portion thereof which is designed and used exclusively for residential purposes.

8. *Family*: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house or hotel as herein defined.

9. *Filling station or service station*: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. When dispensing, sale or offering for sale is incidental to the conduct of a public garage, or retail store, the premises are classified as a public garage or retail store.

10. *Frontage*: All property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

11. *Grade*:

a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.

b. For buildings having walls adjoining more than one (1) street the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the city building inspector.

12. *Height of building*: The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge for a gable, hip and gambrel roof.

13. *Lot*: A parcel of land occupied or intended for occupancy by a use permittee in this ordinance, including one (1) main building with its accessory buildings, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

14. *Lot, corner*: A lot abutting upon two (2) or more streets at their intersection.

15. *Lot, depth of*: The mean horizontal distance between the front and rear lot lines.

16. *Nonconforming use*: Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto, which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.

17. *Parking space*: An enclosed or unenclosed area containing not less than one hundred and sixty (160) square feet exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

18. *Street*: A public thoroughfare which affords the principal means of access to abutting property.

19. *Structure*: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, poster boards and pergolas.

20. *Structural alterations*: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

21. *Yard*: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the horizontal distance between the lot line and the main building shall be used.

22. *Yard, front*: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps, unenclosed balconies or open porches.

23. *Yard, rear*: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot lines, and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of a lot from the front yard.

24. *Yard, side*: A yard between the main building and the sideline of the lot, and extending from the front line to the rear yard line.

Sec. 30-4. Districts.

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, the City of Ballinger, Texas, is hereby divided into districts, of which there shall be five (5) classes in number, and which shall be known as:

"R-1" Residential Area No.1

"R-2" Residential Area No.2

"B-1" Neighborhood Business District
"B_2" Central Business District
"I_1" Industrial District

The boundaries of the districts described above are shown on the map that is attached hereto and made a part of this ordinance, which map is designated as the "zoning district map." Said district map and all notations, references and other information shown thereon are made a part of this ordinance and shall have the same force and effect as if said map and said data thereon were fully set forth or described herein. Said map shall, on its face, be identified and verified in the manner following: It shall bear the title "zoning district map" - Ballinger, Texas; it shall bear even date with the passing of this ordinance; it shall bear the name of the mayor; and it shall be attested by the signature of the city secretary. The original of said map shall be kept in a proper place in the municipal building.

Whenever any street, alley or other public way is lawfully vacated by the council of the City of Ballinger, Texas, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area and thereafter all land included in said vacated area shall be subject to all applicable regulations of the extended districts.

All territory hereafter annexed to the City of Ballinger, Texas, shall be classified as "R_1," until permanently zoned by the governing body [city council] of the City of Ballinger, Texas. The city planning and zoning commission shall, as soon as practicable after annexation of any territory to the City of Ballinger, Texas, institute proceedings on its own motion to give the newly annexed territory permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original regulations except as hereinafter provided:

No building shall be erected, converted, enlarged, reconstructed or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is situated.

The minimum yards and other open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of the passage of this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced to an area less than the district requirements of this ordinance.

Every building hereafter erected or structurally altered shall be on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in this ordinance. (Ord. of 1-15-80, Art. V)

Sec. 30-5. "R-1" Residential Area No.1.

All the remainder of the property, lots blocks or tracts of land in the City Limits of the City of Ballinger except for those as herein described in "1-1" Industrial, "B2" Central Business District, "B-1" Neighborhood Business District, "R-2" Residential Area.

The following regulations shall apply to the "R-1" Residential Area NO.1:

A. *Use regulations:* A building or premises shall be used only for the following purposes:

1. Single-family dwellings.
2. Churches (except temporary revival).
3. Schools, public or private, having a curriculum equal to a public elementary school, high school or institution of higher learning.
4. Playgrounds, public parks, golf courses (except miniature golf), public recreation and community buildings.
5. Municipal buildings, nonprofit libraries or museums, police or fire stations.
6. [Reserved.]
7. Customary home occupations, incident to the above uses when situated in some dwelling, including home occupations such as physicians, surgeons, dentists, beauty shops, dress shops and flower shops.
8. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business) when located on the same lot, including a private garage for one (1) or more cars, bona fide servants' quarters not for rent or used for commercial purposes.
9. Two-family or duplex dwellings.
10. [Reserved.]
11. Hospitals, except tubercular, liquor, narcotic, insane, feeble-minded or animal hospitals.

12. [Reserved.]

12(a). Medical offices or clinics and other professions, including, but not limited to, physicians, dentists, accountants, attorneys, but specifically excluding pharmacists or any other retail or wholesale business.

13. Fraternities, sororities and lodges, except those the chief activity of which is a service customarily carried on as a business.

14. Institutions of a religious, educational or philanthropic nature.

15. Signs:

a. One (1) unlighted sign, which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flatwise to the building.

b. One (1) sign, which shall not exceed eighteen (18) square feet for church, school or hospital.

c. One (1) sign which shall not exceed four (4) square feet in area for temporary unlighted signs pertaining to the lease, hire or sale of a building or premises, provided the sign is immediately removed upon the lease, hire or sale of such building or premises.

16. There shall be no trailer houses, mobile homes or mobile home parks within Residential Area No. I.

17. 1) Cargo or Sea Containers as herein defined in 17-3 shall not be allowed in Residential "R-1" and Residential "R-2", or B-1 Neighborhood Business District.

2) DEFINITION OF CARGO OR SEA CONTAINER. A Cargo or Sea Container is herein defined as any dry box van, 18-wheeler trailer, railroad car, or any container used in the transportation of goods or any operable Junked (inoperable) vehicle as defined in Section 21-38 Article 3 Junked (inoperable) Vehicles that is not totally enclosed; however, there is hereby excepted from this ordinance any Cargo or Sea Container, as above defined, that is / or in place prior to the passage of this ordinance on December 8, 2009.

a. Cargo or Sea Containers may be used in any zone through an active building permit for construction for

temporary storage for no longer than Six (6) months without a Specific Use Permit.

3) TARPS.

- a. No cargo container, out buildings, carports or any structures or junked (inoperable) vehicles as defined in Section 21-38 Article 3 Junked (inoperable) Vehicles shall be covered with polypropylene tarps.
- b. There shall be no polypropylene cover allowed on any outdoor storage area or covering of walls.
 - 1. The covering of a structure shall not be weathered or tattered or insufficient covering for protection of any of the property involved.
 - 2. There shall be no polypropylene cover allowed as a substitute for rigid walls and doors for a carport.
- c. The use of polypropylene tarps shall be allowed for temporary protection of the interior of a home against the forces of nature for no longer than ninety (90) days without a Specific Use Permit.
- d. The use of polypropylene tarps shall be allowed for temporary protection of the roof of a house during new construction or repair for no longer than ninety (90) days without a Specific Use Permit.

4) The below named provisions of 1) and 2) of Section 17. shall also apply to all Cargo or Sea Containers within I-1 Industrial or "B-2" Central Business District within the City Limits of the City of Ballinger:

- a. If the Cargo or Sea Container is adjacent to a building, the Cargo or Sea Container must be painted to match the building's color except that a Cargo or Sea Container may be used within either zone for no longer than Six (6) months without painting to match the adjacent building's color.
- b. Some Cargo or Sea Containers may not be stacked.
- c. Cargo or Sea containers may not occupy any off street parking space / spaces.
- d. Cargo or Sea Containers shall not be used to store

hazardous materials.

- e. Refuge or debris shall not be allowed in, against, on or under the Cargo or Sea Container.

PENALTIES.

Any person violating provisions of this ordinance shall be guilty of a Class C misdemeanor which shall be punishable by a fine of not less than \$50.00 and no more than \$500.00.

SEVERABILITY.

It is hereby declared to be the intention of the City Council of the City of Ballinger that if any of the sections, paragraphs, sentences, clauses and phrases of this ordinance shall be declared unconstitutional or otherwise illegal by a valid judgment or decree of any court or competent jurisdiction, such event shall not effect any of the remaining phrases, clauses, sentences, paragraphs or sections. (Ord. 12-8-2009)

B. [Height regulations:] No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

C. Area regulations for Sub-sections 1-8:

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth shall not be less than twenty-five (25) feet.
2. Side Yards: There shall be a side yard on each side of a building, the minimum depth shall be not less than five (5) feet, except on a corner lot the side yard on the street side shall have a side yard of not less than twenty five (25) feet.
3. Rear Yard: The depth of the rear yard shall be at less than ten (10) feet.

D. Area regulations for Sub-sections 9-14:

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth shall not be less than twenty-five (25) feet.
2. Side Yards: There shall be a side yard on each side of a building, the minimum, depth shall be not less than five (5) feet, except on a corner lot the side yard on the street side shall have a side yard of not less than twenty-five (25) feet.
3. Rear Yard: The depth of the rear yard shall not be less than ten (10) feet.
4. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the department of building inspections for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or manmade obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirement in "R-1" and "R-2" zoning districts and any other zoning district of single-family detached dwelling shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirement be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. (Ord. 8-7-2006)

E. Intensity of use:

1. Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet and an average width of not less than fifty (50) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this ordinance and shall not have been changed since said date, such parcel of land may be

used for a single-family dwelling.

2. A lot on which there is erected an apartment house or multiple-family dwelling shall contain an area of not less than one thousand eight hundred (1,800) square feet per dwelling unit.

F. *Parking regulations:* Whenever a structure is erected, converted or structurally altered for a two-family dwelling, or a multiple-family dwelling, one (1) parking space shall be provided and maintained on the lot for each dwelling unit in the building. Such parking space shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. (Ord. of 3-767; Ord. of 1-15-80, Art. 1, § § A - D)

G. No building or structure shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulation herein specified for the district in which it is located and unless in conformity with the sanitary and healthful regulations of such location and unless in conformity with the average value and construction of established property in such location, provided that this Section shall not be interpreted to prevent construction that is of greater value than existing property.

No building or structure shall hereafter be erected or altered to be higher, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space similarly required for another building.
(Ord. of 07-15-96)

H. Subdivision Highpointe is an annexation to the City of Ballinger, Texas and has Residential 1 zoning.

Sec. 30-5-A-1 SPECIFIC USE PERMITS

A. The City council of the City of Ballinger, after public hearing and after recommendations by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits for the uses indicated below:

1. bed and breakfast lodging
2. day care facility
3. doctors clinic
4. professional offices

5. institutions of religious, educational, or philanthropic nature
6. one-chair beauty shop

B. The Planning and Zoning Commission in considering and determining its recommendation to the City Council on any request for a Specific Use Permit may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance with this Ordinance, establish conditions of operation, time limit, location, arrangements and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.

C. The Specific Use Permit may be granted for definite periods of time after which the Planning and Zoning Commission may, in the public interest, inquire into the continuation of the Permit and based upon its findings recommend its discontinuance or the extension of the time period as set in the Ordinance establishing the Specific Use Permit.

D. All Specific Use Permits approved in accordance with the provisions of this Ordinance in its original form or as hereafter amended shall be referred on the Zoning map and a list of such permits shall be maintained in the Appendix of this Ordinance.

Sec. 30-6. "R-2" Residential Area No.2.

The area shall be bounded by Park Avenue, the alley between Eleventh and Twelfth Street to Largent Avenue, then east to Eleventh Street then northwest on Eleventh Street to Country Club Road then southwest on Country Club Road to Fifteenth Street, then northwest on Fifteenth Street to the City Limits and following the City Limits to the Colorado River, then following railroad-right-of-way back to point of beginning on Park Avenue,

except for:

A. Blocks 3 and 5 of Woodward Heights Addition, which is included in "B-2" Central Business District. Lots four (4) and five (5) , Block No. One Hundred Eight (108), First Railroad Addition. (1994)

B. Removed by ordinance dated 3-5-2007.

All of Block One (1) of the Lankford Addition.

All of Block Two (2) of the Lankford Addition.

All of Block Four (4) of the Lankford Addition.

All of Block Two (2) of the Guion Addition.

All of Lots One (1), Two (2), Three (3), Four (4) and Five (5) of Block Three (3) of the Guion Addition.

All of Lots One (1), Two (2), Three (3), Four (4) and Five (5) of Block One (1), of the Guion Addition.

All of Block A, Block One (1), Block Two (2), Block Three (3), Block Four (4), Block Five (5), Block Six (6) of the Second Railroad Addition to the City of Ballinger.

All of Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) of Block One Hundred (100) of the First Railroad Addition, also known as the First Addition, to the City of Ballinger, Runnels County, Texas, as same appears on the map of the plan of said addition recorded in Volume 1, Page 2, Plat Records of Runnels County, Texas, to which map and the record thereof reference is here made.

All of that area that lies between and within the northerly line of Fourteenth Street, the westerly line of Phillips Avenue, and the southerly line of the J.M. Caldwell Survey as shown on the Map Exhibit 'A' (as shown in 'B2' Business 2 Section) as incorporated herein by this reference and made a part hereof for all purposes, and the easterly line of Block One (1) of the Guion Addition to the City of Ballinger, which is an extension of Block One (1) of the Guion Addition in an easterly direction from the easterly side of Block One (1) of the Guion Addition to the City of Ballinger to the westerly line of Phillips Avenue as shown on the map and plat attached hereto and referred to for all purposes.

All of Eubank Avenue to the westerly line that joins Block One (1) and Block Two (2) of the Lankford Addition and Block Three (3) of the Guion Addition and all streets and alleys within the described amended "B-2" Central Business District as shown on the map and plat which is attached hereto and referred to for all purposes. (Ord. 3-5-2007)

The use regulations, except as below set out, [and as set out in Section 5, "R1" Residential Area No.1,] but not to include the restrictions in paragraph 16 thereof, and height regulations as set out in "R-1" Residential Area No.1, shall also apply to "R-2" Residential Area No.2, but the intensity of use and parking regulations in "R-1" Residential Area NO.1 shall not apply to "R-2," and this classification also includes any other residential use.

A. Additional uses:

1. Animal Hospital: Upon special application to the city council of the City of Ballinger and upon approval by the city council of the City of Ballinger after the application has been considered by the zoning commission and they have submitted their recommendation and report to the city council.
 - a. Any such building or premises shall be used only for the purpose of an animal hospital and shall be constructed in compliance with the building code of the City of Ballinger and in full compliance with all laws and ordinances relating to sanitation applicable to such occupations and subject to review and approval by the city council.
 - b. If, after special application for an animal hospital and approval thereof, such animal hospital is not completed Within one (1) year from the date of approval of such application, such application shall be declared null and void and another special application for construction of an animal hospital shall be required as in the first instance. (Ord. of 4-28-64; Ord. of 1-15-80, Art. 2)

Sec. 30-7. "B-1" Neighborhood Business District.

(1) All of both sides of Broadway (one lot deep) from Sargent Avenue to the intersection of Broadway with the junction of the Old Winters Highway.

(2) All the area between the Old Winters Highway and the Bronte Highway to Avenue E, including one lot deep on the westerly side of the Bronte Highway, same being one lot deep on the exterior boundary, and one lot deep on the easterly side of the Old Winters highway, same being one block deep on the exterior boundary.

(3) Triangular area with boundaries of Fifteenth Street, Country Club Road and City Limits (includes site of Ballinger Nursing Center).

The following regulations shall apply to the "B-1" Neighborhood Business District.

A. Use regulations:

1. Any use permitted in subsections 7 and 9 through 14 in "R-1" Residential Area No. I.
2. Advertising signs, when the same are attached to a building and advertise only services, articles or products which are offered within the building to which such sign is attached, and provided that such signs shall not extend above the outside walls of such building, nor more than one (1) foot from the face of the walls of such building, nor shall it contain an area of more than twelve (12) square feet. One (1) freestanding sign not to exceed twenty-four (24) feet in height will be allowed in the front yard provided such sign does not exceed thirty (30) square feet in area.
3. Automobile parking lots.
4. Bakeries employing not more than five (5) persons.
5. Banks.
6. Barbershops.
7. Cleaning, pressing and dyeing plants employing not more than five (5) persons each.
8. Clinics.
9. Garages, public.
10. Filling stations, service stations, provided all storage tanks for gasoline shall be below the surface of the ground.
11. Laundries, employing not more than five (5) persons on the premises.
12. Laundries, self-service.
13. Ice retail distributing stations, no manufacture, and capacity not to exceed five (5) tons of storage.

14. Job printing provided total mechanical power used in operation of such printing plant shall not exceed five (5) horsepower.

15. Lodge halls.

16. Mortuaries.

17. Offices.

18. Radio studios.

19. Radio repair and sales shops.

20. Real estate offices.

21. Restaurants, cafes and cafeterias.

22. Stores and shops for the sale of products at retail only, provided that such use is not noxious or offensive by reason of vibration, smoke, odor, dust, gas or noise.

23. Studio (art, photo, music).

B. Height regulations: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

C. Yard regulations:

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty (20) feet.

2. Side Yards: For uses permitted in subsections 9 through 14 in "R-1" Residential Area No.1, the same side yard regulations shall apply. For additional uses permitted in the "B-1" district no side yards are required except that on a corner lot the side yard on a street side shall be twenty (20) feet. Where a lot is used for any of the commercial purposes permitted in this district and abutting on the side of a lot in an "R-1" district there shall be a side yard of not less than five (5) feet.

3. Rear Yard: For uses permitted in subsections 9 through 12, in "R-1" Residential Area No.1, the rear yard shall be the same as in the "R-1" district. For all other uses a rear yard is not required except when it abuts upon an "R_1" district in which case there shall be .rear yard of not less than ten (10) feet.

D. Intensity of use: For uses permitted in subsections 9 through 14 in "R-1" Residential Area No.1, the minimum lot area and minimum lot width

shall be the same as in the "R-1" district. There are no minimum lot area or lot width requirements for other uses.

E. Parking regulations:

1. The parking regulations for dwellings are the same as those in the "R-1" district.
2. Where any structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two (2) or more owners of buildings may join together providing this parking space.

Sec. 30-8. "B-2" Central Business District.

- (1) Area bounded by the south side of the alley between Strong Avenue and Sealy Avenue, the south side of Park Avenue, the south or westerly side of Elm Creek and the north or easterly side of the Colorado River.
- (2) Both sides of Broadway to encompass Lots 1, 2, 3, 4 and 5 in Block 93, and Lots 6, 7, 8, 9, and 10 of Block 92.
- (3) The following property on the north side of Park Avenue all of said lots and blocks being in the First Railroad Addition to the city of Ballinger:

Lots 4,5,6, and 7, Block 94
Lots 6 and 7, Block 93
Lots 4 and 5, Block 92
Lots 4,5,6 and 7, Block 91
Lots 4, 5, 6 and 7, Block 90
Lots 4, 5,6 and 7, Block 89
- (4) Those portions of Block 3 and 5 of the Woodward Heights Addition which are within the City Limits.
- (5) The corridor along Highway 83, also known as South Seventh Street, as described below:

Lot 11, Block 32, Original Town of Ballinger
Lots 1 and 6, Block 42, Original Town of Ballinger
Lots 1 and 6. Block 57, Original Town of Ballinger
Lots 1 and 6, Block 63. Original Town of Ballinger

Lots 1 and 6, Block 77, Original Town of Ballinger
Block 79, Original Town of Ballinger
Block 88, Original Town of Ballinger
Lots 6 thru 10, Block 80, Original Town of Ballinger
Lots 6 thru 10, Block 76, Original Town of Ballinger
Lots 6 thru 10, Block 64, Original Town of Ballinger
Lots 6 thru 10, Block 56, Original Town of Ballinger
Lots 11 thru 31, Block 43, Original Town of Ballinger
Lot 18, Block 31, Original Town of Ballinger

Added by ordinance dated 3-5-2007.

All of Block One (1) of the Lankford Addition.

All of Block Two (2) of the Lankford Addition.

All of Block Four (4) of the Lankford Addition.

All of Block Two (2) of the Guion Addition.

All of Lots One (1), Two (2), Three (3), Four (4) and Five (5) of Block Three (3) of the Guion Addition.

All of Lots One (1), Two (2), Three (3), Four (4) and Five (5) of Block One (1), of the Guion Addition.

All of Block A, Block One (1), Block Two (2), Block Three (3), Block Four (4), Block Five (5), Block Six (6) of the Second Railroad Addition to the City of Ballinger.

All of Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) of Block One Hundred (100) of the First Railroad Addition, also known as the First Addition, to the City of Ballinger, Runnels County, Texas, as same appears on the map of the plan of said addition recorded in Volume 1, Page 2, Plat Records of Runnels County, Texas, to which map and the record thereof reference is here made.

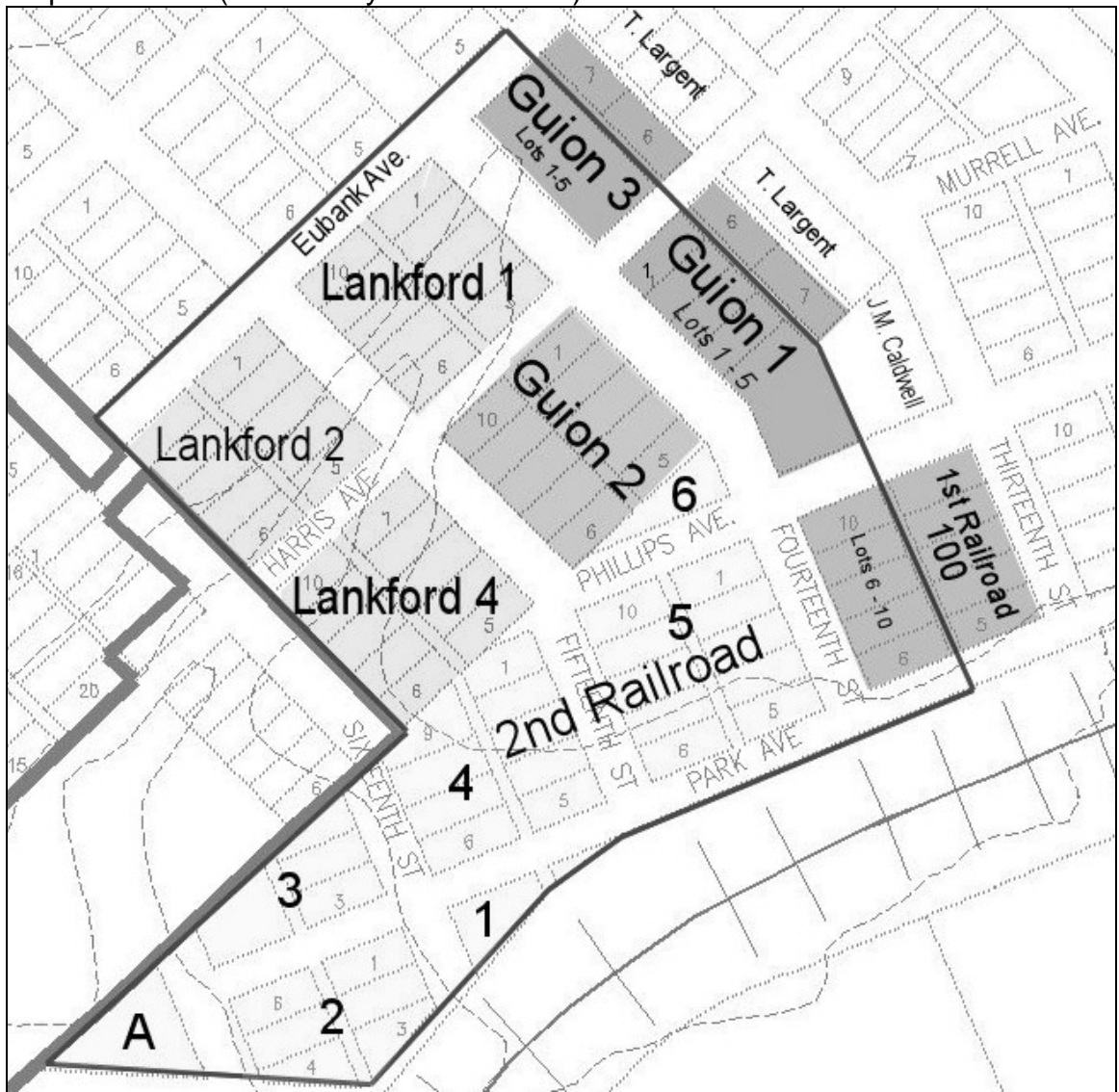
All of that area that lies between and within the northerly line of Fourteenth Street, the westerly line of Phillips Avenue, and the southerly line of the J.M. Caldwell Survey as shown on the Map Exhibit 'A' as incorporated herein by this reference and made a part hereof for all purposes, and the easterly line of Block One (1) of the Guion Addition to the City of Ballinger, which is an extension of Block One (1) of the Guion Addition in an easterly direction from the easterly side of Block One (1) of the Guion Addition to the City of

Ballinger to the westerly line of Phillips Avenue as shown on the map and plat attached hereto and referred to for all purposes.

All of Eubank Avenue to the westerly line that joins Block One (1) and Block Two (2) of the Lankford Addition and Block Three (3) of the Guion Addition and all streets and alleys within the described amended "B-2" Central Business District as shown on the map and plat which is attached hereto and referred to for all purposes.

The B-2 Zone includes the area marked in Map Exhibit 'A' but is not limited to this map.

Map Exhibit 'A' (Addition by Ord 3-5-2007)



The following regulations shall apply to the "B_2" Central Business District.

A. *Use regulations:* A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B-1" Neighborhood Business District.
2. Automobile salesroom and accompanying service facilities.
3. Automobile repair garages.
4. Bakeries.
5. Billboards and poster boards.
6. Frozen food locker plants.
7. Hotels.
8. Moving picture houses or theaters.
9. Laundries and cleaning.
10. Tourist courts or motels.
11. Any retail business not included in the neighborhood business district, provided that such use is not noxious or offensive by reason of vibration, smoke, odor, dust, gas or noise.
12. Storage in bulk or warehouse for such materials as household goods, clothing, drugs, glass, dry goods, furniture, hardware, groceries, millinery and shop supplies.

B. *Height regulations:* No building hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet.

Exception: Grain elevators and radio antenna or towers shall not be constructed at a height exceeding one hundred twenty (120) feet.

Sec. 30-8A-1. "I-1" Industrial District.

(1) The roughly triangular area bounded by the north side of the alley between Sealy Avenue and Strong Avenue, the westerly side of Elm Creek and the easterly side of the Colorado River except for a corridor of "B-2" Central Business District consisting of those lots fronting onto Highway 83, also known as South

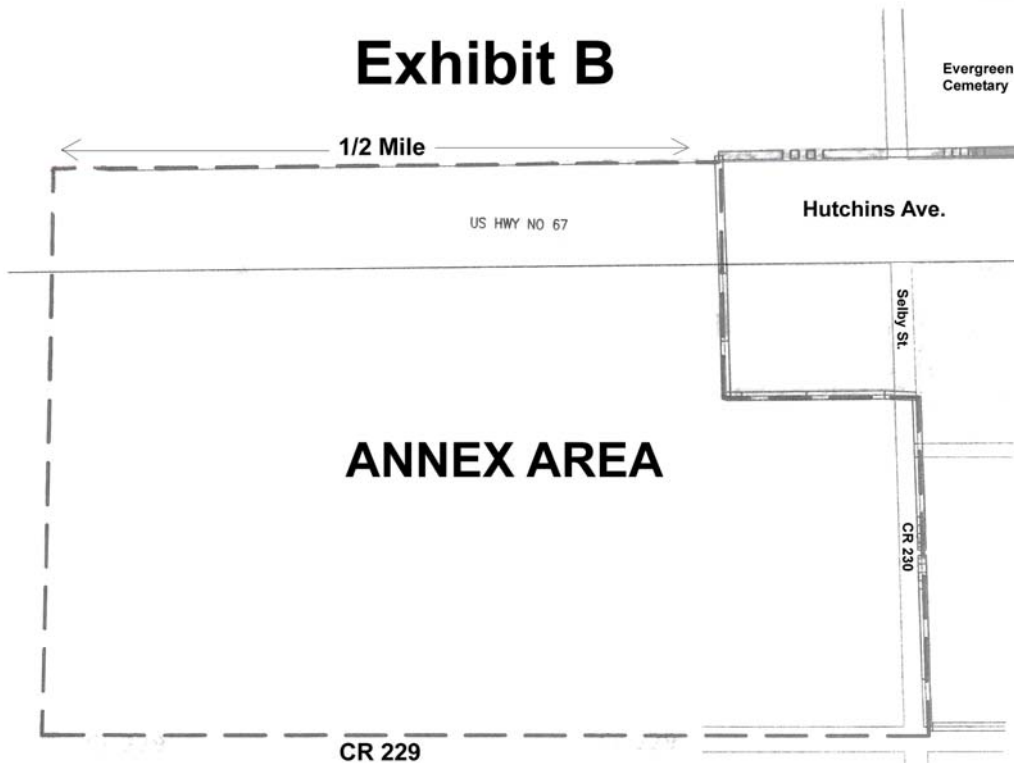
Seventh Street, from the north side of the alley between Sealy Avenue and Strong Avenue to the Colorado River said lots being described as follows:

Lot 11, Block 32, Original Town of Ballinger
Lots 1 and 6, Block 42, Original Town of Ballinger
Lots 1 and 6, Block 57, Original Town of Ballinger
Lots 1 and 6, Block 63, Original Town of Ballinger
Lots 1 and 6, Block 77, Original Town of Ballinger
Block 79, Original Town of Ballinger
Block 88, Original Town of Ballinger
Lots 6 thru 10, Block 80, Original Town of Ballinger
Lots 6 thru 10, Block 76, Original Town of Ballinger
Lots 6 thru 10, Block 64, Original Town of Ballinger
Lots 6 thru 10, Block 56, Original Town of Ballinger
Lots 11 thru 15, Block 43, Original Town of Ballinger
Lot 18, Block 31, Original Town of Ballinger

(2) Old Hillcrest Site

(3) The entire area within the city limits southerly and westerly of the Colorado River along Highway 67.

(4) Located on Highway 67, Parts of Blocks Four (4) and Five (5) of the South Ballinger Addition to the City of Ballinger consisting of 61.415 acres, more or less, as shown on the attached map on EXHIBIT "A" and marked "annex area."



- a. The above described territory and the area so annexed shall be a part of the City of Ballinger, Texas.

A. *Use regulations:* A building or premises shall be used only for the following purposes:

- I. Any use permitted in any of the foregoing districts.
2. Any manufacturing or industrial process not prohibited by any other law; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless such use shall have been approved by the city commission [council] following a recommendation by the zoning commission:
 - (1) Junkyards or automobile wrecking yards.
 - (2) Petroleum refining.
 - (3) Cement or lime manufacture.
 - (4) Explosives manufacture or storage.

- (5) Storage or bailing of rags, paper, iron or junk.
- (6) Tanneries.
- (7) Garbage, offal or dead animal reduction or dumping.
- (8) Fertilizer manufacture.
- (9) There shall be no trailer houses, mobile homes or mobile home parks within two hundred (200) feet of US Highway 67.

B. Height and area regulations: In the industrial district, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows; provided, however, that buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front, side and rear yard regulations of the residence use districts:

[1.] Height: No building hereafter erected or structurally altered shall exceed a height equal to twice the width of the widest street on which said building is located; and in no case shall the height be greater than ten (10) stories or one hundred twenty (120) feet (except it may be increased by special permit of the commission [council].)

[2.] Front Yard: No front yard required.

[3.] Side Yard: No side yard required, but if provided it shall be not less than three (3) feet, and except on that side of the lot abutting upon the side of a lot zoned for dwelling purposes in which case there shall be a side yard of not less than five (5) feet.

[4.] Rear Yard: No rear yard required. (Ord. of 6-12-62; Ord. of 1-15-80, Art. III)

C. 4th Street Located in South Ballinger, is renamed to Selby Street by Ordinance on 12-21-2009.

Sec. 30-8A-2. Oil and gas wells.

Upon special application to the city council of the City of Ballinger and upon meeting and fulfilling the requirements, rules and regulations as set forth by the city council (as to size of units, locations of drilling sites, bond requirements, type of pits, type of equipment to be used, disposal of salt water, fencing, abandonment and plugging procedures, permit fee and length of permit), an oil and gas well may be drilled within the city limits of the City of Ballinger, upon the approval and upon the conditions and requirements as prescribed by the city council of the City of Ballinger. (Ord. of 4-13-76).

There shall be no drilling or mining activities on property owned by the City of Ballinger and known as the Ballinger Sports Complex consisting of 18.8 acres, more or less, immediately west and northwest of the Ballinger High School complex in the City of Ballinger, declaring that violation of the ordinance be a misdemeanor; providing a penalty; providing each separate day or continuation of offense shall constitute a separate violation. (Ord. of 4-88)

Sec. 30-9. Nonconforming uses.

A. *Nonconforming use of land:* The nonconforming use of land where no building is involved existing at the time of the passage of this ordinance may be continued for a period of not more than two (2) years therefrom, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with regulations of the district in which it lies.

B. *Nonconforming use of buildings:* Except as otherwise provided in this article [ordinance], the nonconforming use of a building existing at the time this ordinance becomes effective may be continued, and the use of a nonconforming building may be changed to another use of the same or more restricted classification, but where such use is changed to a more restricted classification it shall not thereafter be changed back to a use of a less restricted classification. A nonconforming building which is or may hereafter become vacant and which shall remain unoccupied or its nonconforming use discarded for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to regulations of the district in which it is located. A nonconforming building may be maintained or kept in good repair except as otherwise provided in this section.

No existing nonconforming building may be enlarged, extended, reconstructed or altered unless its use is changed to a use permitted in the district in which such building is located except in the event such enlargement, extension, reconstruction or alteration is required by court decision, law or ordinance.

No nonconforming building shall be moved in whole or in part to any other location on the lot unless every portion of such building is made to conform to all the regulations of the district in which it is located.

A nonconforming building which is damaged by fire, explosion, flood, wind, earthquake or other calamity or act of God or the public enemy to the extent of fifty (50) per cent or more of its reasonable value may not be restored except in conformity with the regulations of the district in which it is located.

Sec. 30-10. Board of adjustment.

A. A Board of Adjustments is hereby established. The City Council may appoint the members of the Planning and Zoning Commission to serve as the Board of Adjustments. (Ord. of 10-2-95)

B. The board of adjustment shall consist of five (5) members who are property owners in the City of Ballinger, Texas, each to be appointed for a term of two (2) years and removable for cause by the city commission [council] upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

C. The board shall adopt rules in accordance with the provisions of 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. Such 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 on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

D. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Ballinger, Texas affected by any decision of the building inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, 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, and by paying a filing fee of three dollars (\$3.00) to the city secretary of the City of Ballinger, Texas, at the time the notice is filed, which shall be credited to the general fund of the City of Ballinger, Texas. 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 stays all proceedings in furtherance 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 cases, 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 in application or notice to the officer from whom the appeal is taken and on the [due] cause shown.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, 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 agent or by attorney.

E. 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 in the enforcement of this ordinance.
2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or particular hardships, the board may consider and allow variations of the strict application of the terms of this ordinance if the variations are in harmony with the general purpose and intent of this ordinance, and the board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created.
3. The board may authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the time of the adoption of this ordinance or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good, and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.
4. Special Exceptions: When in its judgment the public convenience and welfare will not be substantially or permanently injured, the board of adjustment may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations herein established as follows:
 - a. Grant in undeveloped sections of the city temporary and conditional permits for not more than two (2) years. The granting or existence of such temporary or conditional permits shall not be reason or cause for extension of such permits.
 - b. Permit such modification of yard, open space, lot area or lot

width regulations as may be necessary to secure an appropriate improvement of a parcel of land if such parcel is separately owned at the time of the original passage of this ordinance or subsequent annexation of the city and is of such restricted area that it cannot be appropriately improved without such modification.

- c. To determine in such cases of uncertainty the classification of any use not specifically named in this ordinance.
 - d. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divided a lot in a single ownership at the time of the adoption of this ordinance.
 - e. Permit the reconstruction of a building occupied by a nonconforming use, or permit the extension of a nonconforming use of a building upon the lot occupied by such use or building at the time of the passage of this ordinance.
- F. 1. In exercising the above-mentioned powers such board may, in conformity with the provisions of this act [ordinance], reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
2. In considering all appeals and all proposed variations to this ordinance the board shall, before making any finding, in a specific case, first determine that the proposed variation will not constitute any change in the district map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Ballinger, Texas.
3. Every variation granted or denied by the board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying the variation.

Sec. 30-11. Changes and amendments.

- A. The city commission [council] may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein

established.

B. Before taking any action on any proposed amendment, supplement or change, the city commission [council] shall submit the same to the city zoning commission for its recommendation and report.

C. A public hearing shall be held by the city commission [council] before adopting any proposed supplement, amendment or change. Notice of such hearing shall be given by publishing same in a newspaper of general circulation in the City of Ballinger, Texas, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first day of such publication.

D. Unless such proposed amendment, supplement or change has been approved by the city commission [council] or if a protest against such amendment, supplement or change has been filed with the building inspector, duly signed and acknowledged by the owners of twenty (20) per cent 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, supplement or change shall not become effective except by a two-thirds vote of the city commission [council].

Sec. 30-12. Enforcement and penalty for violation.

It shall be the duty of the building inspector to enforce the provisions of this ordinance and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of said ordinance.

In case any building is erected, constructed, reconstructed, altered, repaired or converted, or any building or land is used in violation of this ordinance, the building inspector is authorized and directed to institute any appropriate action to put an end to any such violation.

Any person or corporation who 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 thereunder 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 such violation shall be permitted 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, engineer, builder, contractor, agent, person or corporation, employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided.

Sec. 30-13. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that, if this ordinance imposes a greater restriction, this ordinance shall control.

Sec. 30-14. Validity.

A. If any section, paragraph, subdivision [subsection], 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 decided to be invalid or unconstitutional,

B. All ordinances or parts of ordinances in conflict. herewith are hereby repealed.

Sec. 30-15. When effective.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and any rule requiring more than one (1) reading is hereby waived.

Sec. 30-16. Fees

The City Council of the city of Ballinger hereby ordains that a zoning change application permit, variance application fee of \$100.00 shall be paid to the building inspector and/or the City of Ballinger prior to said application being processed before the Planning and Zoning Commission and the City Council of the City of Ballinger prior to the written notification and/or publication fees required by law. (Ord. 9-5-02)